

myself by his Majesty's Pleasure, as it shall be signified to me, in all Cases, in which otherwise I might have a Right to act, or not to act, according to my own Discretion ; for it appears to me to be preposterous to suppose, that the *sole* Power given to the Governor of Proroguing or Dissolving the Court was intended, as some would have it, to exclude the King from his Right of controuling the Governor : Nothing can be more manifest than that it is intended for no other Purpose than to exclude both the other Branches of the Court from any Share in this Power. I have transmitted every Thing that passed the last Session of the Court on this Subject, to be laid before his Majesty. I shall do the same with the Message you have sent me, and this my Answer to it ; and I have no doubt the Royal Determination will be such as to give no just Cause of Complaint.

Council-Chamber,
Cambridge, 31st May, 1770.

T. Hutchinson.

This Message being read, it was mov'd, and thereupon *Ordered*, That Mr. Speaker, Mr. *Adams*, Mr. *Leonard*, Major *Hawley*, Mr. *Hancock*, Mr. *Porter*, Col. *Worthington*, Capt. *Sheaffe*, and Col. *Warren*, be a Committee to consider what may be proper further to be done, while the General Assembly is held out of the Town-House in *Boston*.

Mr. *Gardner* from the Committee appointed to carry the Thanks of this House to the Rev. Mr. *Samuel Cook* for his Sermon delivered on the Day of the Election of Counsellors, reported that they had delivered the Message ; and that Mr. *Cook* would prepare a Copy for the Press, agreeable to the Request of the House.

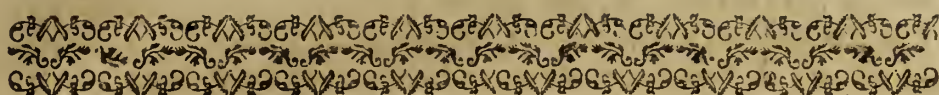
Post-Meridiem.

Upon a Motion made, *Resolved*, That this House will on Monday next, joyfully celebrate the happy Anniversary of the King's Birth, in Token of their Loyalty to his Majesty. And that Mr. Speaker, Mr. *Hancock* and Mr. *Adams*, order suitable Preparation to be made at the Representatives Chamber in the Town-House in *Boston*.

Then the House adjourn'd 'till To-morrow Morning Ten o'Clock.

SABBATI 2 Die Junii, A. D. 1770.

It was moved that the House Adjourn 'till Tuesday next at Ten o'Clock, and the House adjourn'd accordingly.



VOTES

Of the Honorable House of Representatives.



MARTIS, 5 Die Junii, A. D. 1770.



R. Samuel Stanwood, returned a Member for Brunswick and Harpswell, making his Appearance in the House,

Brunswick
Member
return'd.

Ordered, That Brigadier Prebble attend him to the Gentlemen appointed to administer the Oaths, &c.

Who reported that Mr. Stanwood had taken the Oaths, and subscribed the Declaration required by Act of Parliament. And then he took his Seat in the House.

The Committee appointed on Friday last to consider what may be proper further to be done, while the General Assembly is held out of the Town-House in Boston, came into the House ; and the Chairman said, that it was the Opinion of the Committee, that his Honor be requested to order to be laid before the House, a Copy of such Instruction or Instructions as he may have received, for convening and holding the General Court at Harvard-College in Cambridge :

Whereupon it was moved that a Committee be appointed ; and Mr. Hancock, Capt. Sheaffe, Mr. Adams, Major Hawley and Col. Worthington were appointed a Committee to wait on his Honor accordingly.

The said Committee reported that they had delivered the Message.

William Brattle, Esq; came down from the honorable Board, and laid on the Table a Letter from William Bollan, Esq; dated, Fludyer-Street, 10th April, 1770.

Letter from
Mr. Bollan.

Post-Meridiem.

A Message from his Honor the Lieutenant Governor, by the Secretary.

Gentlemen of the House of Representatives,

YOU have sent to me a verbal Message by a Committee, who have desired a Copy of my Instruction or Instructions relative to my convening

Message from
His Honor.

vening the General Court at Harvard College. I have no Instruction for convening the Court at Harvard College, and I am willing to adjourn or prorogue it to any Part of the Town of Cambridge, where it can be accommodated.

My Orders are sufficient to convince me that it is his Majesty's Pleasure the Court should be held in Cambridge; but I am not at Liberty to lay a Copy of those Orders before the House, being restrained by a general Instruction, which requires me to make no Copies of Letters or Papers, from the Secretary of State, public, without special Leave first given me so to do. I take no Pleasure in refusing to comply with the Request of the House, but you will not expect me to do any Thing inconsistent with my Duty to the King.

Council-Chamber,
Cambridge, 5th June, 1770.

T. Hutchinson.

The foregoing Message from his Honor was read; and then the House adjourn'd 'till To-Morrow Nine o'Clock.

MERCURIE, Die 6 Junii, A. D. 1770.

✱✱✱ R. Speaker from the Committee appointed to consider what
✱ M ✱ may be proper further to be done while the General
✱✱✱ Court is held out of the Town-House in Boston, made Report.

Read and debated, and referr'd for further Consideration 'till the Afternoon, Four o'Clock.

Post-Meridiem.

Member re-
turn'd from
Tisbury.

James Athearn, Esq; returned a Member from Tisbury, made his Appearance in the House. Whereupon,

Ordered, That Col. Warren attend him to the Gentlemen appointed by Dedimus to administer the Oaths, &c. to the Members.

Who reported that Mr. Athearn had taken the Oaths, and subscribed the Declaration required by Act of Parliament; and then Mr. Athearn took his Seat in the House.

A Member
return'd from
Boston.

John Adams, Esq; returned a Member from Boston, in the Room of the honorable James Bowdoin, Esq; now a Member of the Council Board, making his Appearance in the House,

Ordered, That Mr. Hancock attend Mr. Adams to the Gentlemen appointed to administer the Oaths, &c.

Who reported that he had taken the Oaths, and subscribed the Declaration required by Act of Parliament; and then Mr. Adams took his Seat in the House.

The House according to Order, took into further Consideration the Report of the Committee presented to the House in the Forenoon.

After a full Debate, it was mov'd that the Question be put, Whether the House do accept the Report?

Upon

Upon a Motion, *Ordered*, That the Question be decided by Yeas and Nays.

Then the Question was put, *Whether the House do accept the Report?* And the Members severally declaring *Yea* or *Nay*, it passed in the *Affirmative* by a Division of Ninety-six to Six.

Y E A S.

Mr. Samuel Adams,
John Hancock, Esq;
John Adams, Esq;
Captain William Heath,
Mr. Samuel How,
Mr. Benjamin Wadsworth,
Ebenezer Thayer, jun. Esq;
Mr. Joshua Hearsay,
Nathaniel Sumner, Esq;
Mr. Moses Bullen,
Mr. Jabez Fisher,
Capt. Benjamin White,
Capt. Eleazer Kingsberry,
Mr. Hezekiah Gay,
Capt. Jonathan Adams,
Joshua Clap, Esq;
Capt. Richard Derby, jun.
Mr. John Pickering, jun.
Dr. Samuel Holten,
Capt. Michael Farley,
Joseph Gerrish, Esq;
Richard Reed, Esq;
John Gallison, Esq;
Mr. Ebenezer Burrill
Samuel Phillips, Esq;
Capt. Henry Herrick,
Humphrey Hobson, Esq;
Caleb Cushing, Esq;
Mr. Samuel Batcheller,
Capt. Samuel Smith,
Aaron Wood, Esq;
Capt. Jonathan Barnard,
Capt. Daniel Thurston,
Mr. Thomas Gardner,
Mr. John Remington,
Mr. Oliver Richardson,
Capt. James Barret,
Capt. Abraham Fuller,
Samuel Bancroft, Esq;
Mr. Samuel Witt,
William Stickney, Esq;
Joseph Buckminster, Esq;

Y E A S.

William Reed, Esq;
Mr. Simeon Spaulding,
John Noyes, Esq;
Capt. Ebenezer Harnden,
Capt. Joseph Mellen,
Capt. Jonas Dix,
James Prescott, Esq;
Joseph Hawley, Esq;
Mr. John Dickenson,
Mr. David Field,
Mr. Timothy Danielson,
James Warren, Esq;
Mr. Gideon Vinal,
Capt. John Wadsworth,
Capt. Anthony Thomas,
Capt. Edward Michell,
Capt. Ebenezer Sprout,
Mr. Samuel Sprague,
Josiah Keen, Esq;
Capt. Robert Bradford,
Capt. Woodbridge Brown,
Mr. Stephen Nye,
David Thatcher, Esq;
Elisha Doan, Esq;
Mr. Benjamin Freeman,
Mr. Joseph Doan,
Daniel Leonard, Esq;
George Godfrey, Esq;
Capt. Joseph Barney,
Mr. John Dagget,
Col. Elnathan Walker,
Capt. Thomas Durfee,
Thomas Bragdon, Esq;
John Wheelwright, Esq;
Jeremiah Hill, Esq;
Samuel Stanwood, Esq;
Mr. Thomas Cook,
James Athearn, Esq;
Mr. Stephen Hufsey,
Mr. Joshua Bigelow,
Capt. Afa Whitcomb,
Mr. Edward Rawson,

E

Edward

Y E A S.

Edward Davis, Esq;
 Capt. Henry King,
 Capt. Thomas Denny,
 Capt. Stephen Maynard,
 Edward Hartwell, Esq;
 John Whitcomb, Esq;

*

Y E A S.

Mr. Ephraim Shearman,
 Mr. Ruggles Spooner,
 Jedediah Prebble, Esq;
 David Ingersol, Jun. Esq;
 Capt. Charles Goodrich,
 Capt. Isaac Searl.

N A Y S.

Hon. Timothy Ruggles, Esq;
 Daniel Oliver, Esq;
 Hon. John Worthington, Esq;

N A Y S.

Major Benjamin Day,
 Mr. Elisha Porter,
 Mr. John Ingersol,

The Report of the Committee is as follows.

IN and by an Act of this Province, made and passed in the Tenth Year of his late Majesty King William the Third, it is enacted, that the Writ to be at any Time thereafter issued by the Governor or Commander in Chief of the said Province, shall be in the Form following, viz.

William the Third by the Grace of God, of England, Scotland, France and Ireland, KING, Defender of the Faith, &c.

To our Sheriff or Marshall of our County of S. within our Province of the Massachusetts-Bay in New-England,
 Greeting.

WE command, that upon Receipt hereof, you forthwith make out your Precept, directed unto the Selectmen of each respective Town within your Precinct, requiring them to cause the Freeholders and other Inhabitants of their several Towns, duly qualified as in and by our Royal Charter is directed, to assemble at such Time and Place as they shall appoint, to elect and depute one or more Persons (being Freeholders and resident in the same Town) according to the Number set and limited by an Act of the Great and General Court or Assembly of our aforesaid Province, to serve for and represent them respectively in a Great and General Court or Assembly by us appointed to be convened, held and kept for our Service; AT THE TOWN-HOUSE IN BOSTON, upon the Day of next ensuing the Date of these Presents; and to cause the Person or Persons so elected and deputed by the major Part of the Electors present at such Election, to be timely notified and summoned by the Constable or Constables of such Town, to attend our Service in the said Great and General Court or Assembly on the Day above prefixed, by Nine in the Morning, and so *De Die in Diem*, during their Session and Sessions; and to return the said Precepts with the Names of the Person or Persons so elected and deputed unto your self;

* *Edward Sheaffe*, Esq; Commissary-General, and the Member for Charlestown, being necessarily absent from the House when the Resolutions pass'd, in a Letter to the Speaker declared his Mind in Favour of them; having fully considered the Matter while the Committee, of which he was one, was sitting.

self; whereof you are to make Return, together with this Writ and of your Doings therein under your Hand into our Secretary's Office at *Boston*, one Day at the least before the said Court's sitting. Hereof you may not fail at your Peril. Witness and Commander in Chief in and over our Province of the Massachusetts-Bay aforesaid. Given at *Boston*, under the publick Seal of our said Province the Day of in the Year of our Reign, Annoque Domini.
By Command of

J. A. Secretary.

Wherefore, inasmuch as no other Writ could be issued for convening a General Assembly, and the Place where it should be convened, held and kept, was expressly declared in and by said Writ, to be *the Town-House in Boston*, it was the Opinion of the House of Representatives in the last Year, that the above-mentioned Act, by establishing that to be the Form of said Writ, had established the Town-House in Boston, as the only legal Place for convening, holding and keeping the General Assembly.

Nor was that a novel Construction of said Act; for in the Year 1721, under the Administration of Governor Shute, when the Small-Pox raged in the Town of Boston to such a Degree, as that the General Assembly could not be held there, without endangering the Lives of its Members, (for which Reason the three Branches of the Court were desirous of its being removed) the two Houses refused to pass one Governmental Act out of the Town of Boston, untill they had passed a Resolve to make such Acts valid. To which Resolve his Majesty's Representative gave his Assent; and engaged on his Part, that the removing of the Court then, should not be drawn into precedent for the removing the Court from Boston for the future.

It must be absurd to suppose, that the Words "Town-House in Boston," were inserted in the Writ thro' Inadvertence: And thus much at least may certainly be inferred from their being inserted, that at the Time of enacting said Law, it was the common Understanding and Consent of all the Branches of the Court, that the Town House in Boston was the most proper and convenient Place for holding the General Assembly; and that it always would be held there, extraordinary Cases excepted.

Especially considering, that the General Court had before by a perpetual Act of the 5th of William and Mary, made Provision for the upholding and repairing the Town-House in Boston, for the holding the General Assembly. And, that it hath generally been the Understanding and Sense of the three Branches of the General Assembly ever since, that the Town-House in Boston was the established Place for holding the General Court, appears by their rebuilding with the Province Monies the Town-House in Boston, when it was consumed by Fire; and their procuring at Boston an elegant Mansion House, for the Residence of the Commander in Chief: And also by their repairing and upholding them for the same Purpose to this Day.

But

But if it could be admitted that the above-mentioned Act of the Tenth of William is not conceived in such express Terms as to abridge the King's Prerogative, and that the Right of assigning the Place for the sitting of the General Assembly still remains a Prerogative of the Crown, at the Discretion of the Commander in Chief of this Province ; yet he can by no Means be justified or excused in holding the General Assembly out of the Town of Boston, contrary to their Entreaties and Remonstrances, to their manifest Injury, and when no one good Purpose can be served hereby.

The Prerogative is a discretionary Power, in some Instances vested in the King for the Good of the Subject : " It extends not to do an Injury ; for being created for the Benefit of the People it cannot be exerted to their Prejudice."—But the holding the General Assembly at Cambridge, is greatly prejudicial to the whole Province, as well as to the Members of the Court. It deprives the General Assembly of the House provided for their Accommodation, and at the same Time obliges us to be dependent upon the Owners of private Property for the Place of holding the Assembly.

It in a great Measure deprives the Assembly of the Benefit of the public Offices and Records of the Province ; and thereby very much obstructs and retards the public Business.

It also in a great Degree prevents a Communication between the Members of the House of Representatives and their Constituents ; and in many Cases at this critical Time, renders them unable to guide their Measures by the Sentiments of their Principals : And it is inconvenient to the Members, as they cannot be so well accommodated as in the Place where the Assembly has been wont to be held.

There have been some few Instances of the General Court's being held out of the Town of Boston ; but they were all in extraordinary Cases, when the Necessity of the Removal of the Court was notorious, or when from some special Emergency, all were convinced of the Expediency of the Measure, and tacitly consenting to it, as in the Instance under the Administration of Governor Belcher. —Excepting one Instance in the Year 1729, when Governor Burnet in a wanton and arbitrary Manner removed the Court to Salem ; evidently designing by that Constraint to force them to make a perpetual Establishment of the Governor's Salary, and thereby to relinquish an essential Right of the Commons of this Province : And he gave it as one Reason for his extraordinary Conduct, that " the Inhabitants of Boston used Endeavors to work on the Minds of the Representatives to bring them to their way of thinking," thereby insinuating that the Representatives of the People ought not to be influenced by the Reasonings and Arguments of the People without Doors. But that arbitrary and injurious Removal of the General Assembly from its ancient Seat, favoring more of Despotism than a due Exertion of the Prerogative of a British Prince, will never be mentioned as a constitutional Precedent, by any Friend to the British Constitution, especially as the House of Representatives did then to their great Honor Remonstrate and Protest against it.

Wherefore,

Wherefore, inasmuch as the General Assembly of this Province, notwithstanding the Intreaties, Remonstrances and Protest of the House of Representatives to the contrary, was the last Year continued at *Cambridge* : And now a new Assembly is convened ; and against the Remonstrance of this House, to the great Inconvenience of its Member, and the Injury of the Province, without any Necessity, or the least Probability of serving one good Purpose, is constrained to hold the Session at *Cambridge*. :

RESOLVED, as the Opinion of this House, that upon a Supposition that it still remains a Prerogative of the Crown, in the Discretion of the Commander in Chief of this Province, in any Case of Necessity or special Emergency, to remove the General Assembly out of the Town-House in *Boston*, yet the convening and holding the Assembly in *Cambridge* is in this Instance a very great Grievance.

And as his Honor the Commander in Chief has not tho't fit to communicate any Reason for the convening and holding this Assembly in *Cambridge*, but that he has been instructed by his Majesty so to do ; and being requested to lay before this House a Copy of such Instructions, he has declined : The House are utterly at a Loss to conceive any good Reason for thus convening and holding the Assembly here.

And as the Prerogatives of the Crown, however salutary when they are exerted for the Good of the People, have the most pernicious Tendency when exerted to their Prejudice ; and such Exertions, unchecked, may overthrow the Constitution itself ; we cannot view the present Situation of the General Assembly in any other Light, than as truly alarming : And it is become our indispensable Duty, as the Guardians of the People's Rights, *now* to make a Constitutional Stand.

And as the former House of Assembly, rather than maintain any Controversy with the Lieutenant Governor, submitted to the Grievance, in Hopes that it would not be continued, but be speedily redressed : Yet inasmuch as the Prayers, Intreaties, Remonstrances and Protests of this and the former House have hitherto effected no Relief ; and the proceeding to public Business at *Cambridge* may be construed as a tacit Submission, and may render abortive all future Endeavors to obtain a Redress of this Grievance :

RESOLVED, That notwithstanding there are Matters now lying before the Assembly of very great Importance, and which we are desirous of entering upon and compleating : Nevertheless, it is by no Means expedient to proceed to Business while the General Assembly is thus constrained to hold their Sessions out of the Town of *Boston*. Therefore,

RESOLVED, That his Honor, the Lieutenant Governor be Addressed to remove the General Assembly to its ancient and usual Seat, the Town-House in *Boston*.

F

Upon

Upon a Motion, *Ordered*, That Mr. *Samuel Adams*, *John Adams*, Esq; Mr. *Hancock*, Col. *Warren* and Mr. *Leonard*, prepare an Address to his Honor the Lieutenant Governor, praying that he would be pleased to remove the General Assembly to the Town House in *Boston*.

Then the House adjourn'd till To-Morrow Morning Nine o'Clock.

Jovis, 7 Die Junii, A. D. 1770.

R. *Adams* from the Committee appointed Yesterday, reported to the House the following, as an Address to his Honor the Lieutenant Governor, for the Removal of the General Court to the Town-House in *Boston*, viz.

May it please your Honor,

Address to his Honor.

THE House of Representatives have taken into their Consideration the State of the Province with Regard to the moving the General Assembly out of the Town of *Boston*; and by a Majority of Ninety-six out of One Hundred and two Members present, have Resolved, That the convening, holding and keeping the Great and General Court out of the said Town of *Boston*, to the manifest Injury of the Province, and the great Inconvenience of the Members of both Houses, without any Necessity, or the least Probability of serving any one good Purpose, notwithstanding the Prayers, Intreaties, Remonstrances and Protestations of this and the former House to the contrary, is a very great Grievance: And that it is by no Means expedient to proceed to Business while the General Assembly is thus constrained to hold their Sessions out of the Town of *Boston*. And as there are Matters now lying before the Assembly of very great Importance, which they are very desirous of entering upon and compleating, they humbly pray that your Honor would be pleased to remove the great and General Court to its ancient, usual and only convenient Seat, *the Town House in Boston*.

Read and accepted, and *Ordered*, That Mr. *Hancock*, Capt. *Derby*, *John Adams*, Esq; Brigadier *Prebble*, and Col. *Warren*, do present the same to his Honor.

Upon a Motion, *Ordered*, That a Copy of the Resolves of this House pass'd Yesterday, and also of the Message now sent up to his Honour the Lieutenant Governor, be laid before the Council Board; and that they be desired to take the Matter thereof into their Consideration, and act thereon as to them shall seem meet.

And the same were sent up by Mr. *Hancock*, *John Adams*, Esq; Col. *Warren*, Brigadier *Prebble* and Capt. *Heath*; who were directed to deliver the Message of the House to the honorable Board; and afterwards reported that they had delivered the same.

Mr.

Mr. *Hancock* from the Committee appointed to wait on his Honor the Lieutenant Governor to desire the Removal of the General Assembly to the Town-House in *Boston*, reported that the said Committee had delivered the Message to his Honor accordingly.

A Message from his Honor the Lieutenant Governor by the Secretary.

Gentlemen of the House of Representatives,

I Think it my Misfortune that so great a Majority of your House as Ninety-six in One Hundred and two should appear to differ from me in Sentiment upon any public Measure. I have told you that I have not the least Doubt of the Legality of my adjourning or proroguing the Court to any Town in the Province. The Place as well as Time of its Meeting is left to the Governor.—The Governor is the Servant of the King, and by his Commission is to govern the Province according to the Charter and according to such Instructions as he shall from Time to Time receive from the King.—Without a Violation of my Instructions, I cannot now remove the Court from Cambridge to Boston: I am afraid of incurring his Majesty's Displeasure if I should do it. I am as sensible as you can be that there are many important Matters lying before the Court. I am sensible also that the Necessity of their being acted upon is so great, that even upon your own Principles, you may be as fully justified in proceeding to act upon them, as the House of the last Year could be justified for the Business they did, or as you will be able to justify yourselves for what you have already done the present Session. Does it not appear to you of Necessity that the Act of the Province which requires the Treasurer to issue his Warrant for levying a Tax of more than Eighty Thousand Pounds should be repealed in Part? Will it be safe for you to leave Castle-William and Fort-Pownal without any Establishment? Are you willing the Act for Limitation of Suits at Law, which has been repeatedly suspended, should now take Place? To omit the mention of many other Laws, which I believe you judge necessary to be continued or revived. Would you be willing the Enemies of our happy Constitution should have it in their Power to say that when the Governor had caused the General Court to be convened pursuant to the Powers reserved to him by the Charter, the House of Representatives refused to do Business because he had convened it at Cambridge, and, in their Opinion, without any Necessity or the least Probability of serving any good Purpose? Would not the Construction of my Conduct be, if I should carry you to Boston after this Message to me, that I had given up to the House of Representatives the Powers reserved by the Charter to the Crown?

Message from
His Honor.

In 1747 or in 1748, when the Court-House in Boston had been consumed by Fire, the major Part of the then House of Representatives was averse to Re-building it, and disposed to build a House for the General Court in some Town in the Country. Being then one of the Representatives of the Town of Boston, I used my Influence in every

every Way I could with Propriety in Favor of Re-building the Court-House in Boston, but finally could prevail thus far and no farther. The House upon the Question whether a Grant should be made for Re-building the Court-House in Boston was equally divided, and I being then Speaker of the House gave my casting Voice in Favour of the Town. I have still a very good Affection for the Town of Boston. I was then the Servant of the Town, and know I was acting the Mind of my Constituents. I am still satisfied that I did my Duty. I now consider myself as the Servant of the Crown. I know his Majesty's Pleasure, and I am doing my Duty in acting according to it, and if you should finally refuse to do Business at Cambridge, which I hope you will not, all the ill Consequences will be attributed to you and not to me.

Council-Chamber,
Cambridge, 7th June, 1770.

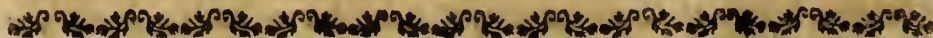
T. Hutchinson.

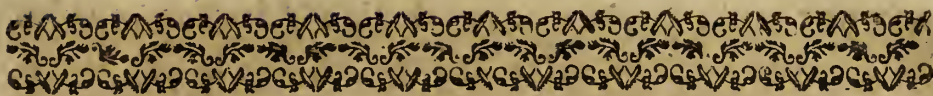
The foregoing Message was read ; and then the House adjourn'd till To-morrow Ten o'Clock.

VENERIS 8 Die Junii, A. D. 1770.

Was mov'd that a Committee be appointed to state the Reasons of this House for coming into a Resolution, That it is not expedient to proceed to the Business of the Session while the General Assembly is held out of the Town-House in Boston ; and also for adhering to the same : That the said Reasons be published, in order that the People without Doors may be made acquainted with the Grounds of the Determination of the House. And Major Hawley, Mr. Samuel Adams, John Adams, Esq; Mr. Pickering, Mr. Leonard, Capt. Mitchel, Capt. Sumner, Mr. Hobson, and Capt. Denny, were accordingly appointed. The said Committee were directed to sit forthwith, and report as soon as may be.

Then the House adjourn'd 'till Monday next, Three o'Clock, P. M.



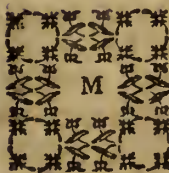


V O T E S

Of the Honorable House of Representatives.



LUNÆ 11 *Die Junii*, A. D. 1770.



MAJOR *Hawley* from the Committee appointed on Friday last to state the Reasons of the House, &c. acquainted the House that they were not ready to report; and desired Leave to sit again.

Ordered, That the said Committee sit again.

Then the House adjourn'd 'till To-morrow Morning Ten o'Clock.

MARTIS, 12 *Die Junii*, A. D. 1770.

MR. *Benjamin Hall*, returned a Member from *Medford*, making his Appearance in the House,

Member from
Medford re-
turn'd.

Ordered, That Mr. *Porter* attend him to the Gentlemen appointed by Dedimus to administer the Oaths to the Members.

Who reported that Mr. *Hall* had taken the Oaths, and subscribed the Declaration required; and then Mr. *Hall* took his Seat in the House.

Post-Meridiem.

Major *Hawley* from the Committee appointed to state the Reasons of the House in coming into the Resolution that it is not expedient to proceed to Business while the General Assembly is held out of the Town-House in *Boston*; and also for adhering to the same, reported to the House, as the Opinion of the Committee, that the Resolutions of the House as enter'd on the Journal the 6th Instant, be published; and the Committee presented to the House the following Draft, as containing Reasons for adhering to said Resolutions, viz.

G

AT

Reasons for not
proceeding to
public Business.

AT present, the House wave any further Observations on the Legality of convening, holding and keeping the General Assembly out of the Town House in *Boston*. "The Power of calling Parliaments in England, as to precise Time, Place and Duration, is an acknowledged Prerogative of the King ; but still it is with this Trust, that it shall be made Use of for the Good of the Nation, as the Exigency of the Times and Variety of Occasion shall require." Wisdom and Goodness will always direct to such Places for them to assemble in, as shall be most subservient to the public Good, and best suit the Ends of Parliament. "Prerogative is a Power to act according to Discretion for the public Good : But when Mistake or Flattery have prevailed with weak Princes to make Use of this Power for private Ends of their own and not for the public Good, the People have, sometimes by express Laws got the Prerogative determined, in those Points wherein they found a Disadvantage from it.— It has been found by long Experience, that the Town House in *Boston* is the only convenient Place for the holding the General Assembly of the Province : No Alteration can therefore be made, unless some Occurrence of Times or Change of Affairs shall require it. Without these, the convening and holding the Assembly in any other Place, is a wanton Exercise of Power, which ought to be withstood ; a Grievance which ought to be redressed. While Parliaments are duly cautious, they will for ever be watchful, lest a Power be exerted to the Injury of the Public, under the Pretext of Prerogative. Such is the Imperfection of human Nature, as to render discretionary Power, however necessary, always in a greater or less Degree dangerous ; and the Wickedness of Men has very often prompted them to make an ill Use of it. If it should be admitted that the Governor of this Province has still by Law the Power of convening, holding and keeping the General Court in any Town out of *Boston* ; yet the House have as clear a Right by Law to enquire into the Exercise of this Power, and to judge for themselves, whether it be wisely and beneficially, or imprudently and arbitrarily exercised : And it is their Duty, as well as their Right, to remonstrate against all undue and oppressive Exertions of a legal, as much as against a Claim and Exercise of an usurped Prerogative. There are Prerogatives in the Crown, which may be exercised to the Destruction of the Constitution, and the Ruin of the People.

To consider more closely the Prerogative now claimed and exercised by the Lieutenant Governor. In one of his Messages to the House he says, "By the Charter the Governor has the sole Power of Adjourning and Proroguing the General Assembly ; there is no Limitation of Time or Place." And in another, "I have not the least Doubt of the Legality of my Adjourning and Proroguing the Court to any Town in the Province : The Place as well as Time of its Meeting is left to the Governor." Admitting this to be true, it is in the Power of the Governor to carry the Assembly from one extreme Part of the Province to another, adjourning them

them from Place to Place, till the Year expires, or perhaps till he shall have worried them into a Compliance with some arbitrary Mandate, to the Ruin of their own and their Constituents Liberties. If this would be legal, it would be attended with Consequences as fatal as if it were illegal : None therefore can Doubt but it would be the Duty of the two Houses firmly and earnestly to remonstrate against it—to make a Stand if their Remonstrances should prove ineffectual, and refuse to attend him in his absurd Career. The Supposition now made, is only carrying the Doctrine to its just and necessary Consequences. The present Case is the same in Kind, tho' not in Degree : The Assembly is removed from its ancient, usual and only convenient Place—This may be the first Stage in an intended Circuit—without one Reason assigned, or any good one conceivable by this House : Indeed we are told, it is in Obedience to Instructions ; but we are not to be indulged with a Sight of such Instructions. The Lieutenant Governor has expressly said, that he is restrained from making a Copy of them public. Such a Severity has awakened and fixed our Attention : It is indeed alarming ; for it is not usual for a well-advised Prince to withhold from his Subjects the Grounds he may have for the Exercise of a Prerogative which regards only the Administration of the Civil Government.

His Honor is pleased to say, that he cannot remove the Court to Boston, without a Violation of those Instructions : But as it is impossible for any Man, more especially at the Distance of Three Thousand Miles, to foresee the fittest Place for holding the Assembly, or the Emergencies which may render it impracticable for it to be held in any particular Place, it is rather to be supposed he is mistaken when he apprehends such Instructions to be indispensable. And as he further says, that by his Commission he is to govern the Province according to the Charter, as well as according to such Instructions as he shall from Time to Time receive, it is natural to conclude, that he is still left to act with his own Discretion ; and that when Circumstances take Place to render it impossible, consistent with the public Good, that the Assembly should meet at one certain Place, or more eligible for it to be held in any other, he may act his own Judgment therein ; especially considering that by the Charter he is expressly vested with the Power of Adjourning and Proroguing the General Assembly, as he shall from Time to Time judge necessary. But if there be such peremptory and absolute Instructions, we have Reason to conclude, that the Ministry thereby intended to insult the General Assembly, and make them meanly compliant for Time to come—Past Experience serves to increase this Apprehension ; the Assembly the last Year suffered the greatest Indignity, surrounded while Sitting, by a military Guard, with Cannon at their Doors to affront or awe them ; and when they remonstrated the high Breach of their Privilege, they, and not the Soldiers, were made to give Way. Can Freedom and Dignity then exist in an Assembly that can tamely brook such Usage ? Would it not be a betraying the Constitution ;

tution, and the Rights of this Assembly, to proceed to Business, while we are thus constrained to hold the Session here? Besides, is there nothing further to apprehend? If the Assembly should in this Situation proceed to do Business, act uprightly, and according to their Consciences, and thereby give further Umbrage to a despotic Minister; may they not expect to be conven'd, held and kept in a State still more humiliating and disgraceful, until they shall become sufficiently ductile and obsequious? Indeed we cannot find that ever a Parliament was prorogued in England, or summoned to any Place, for the Sake of punishing the Members, or putting them to any Inconvenience: This is not the Method of managing an English Parliament.—They have sometimes even refused to be Dissolved, till they have done the Business of the Nation; and at other Times they have declined to obey the Summons of the King by his Writ to attend, when called for a Purpose they disliked, and to a Place where they tho't they should be under any Awe or Restraint. As particularly in the 28th of Henry VI. when it was resolved that the Conduct of the Duke of Suffolk should undergo a National Inquiry. “The Queen, apprehensive of the Danger her Favourite was in, from such a Procedure, did all she could to prevent it; first, by endeavouring to hinder a Parliament from being called; and next, when she could not avoid that, by having it summoned to meet at Leicester; where in a Country Town, she imagined her numerous Attendants might overawe the Members. But the Lords and Commons, who knew they were safe under the Protection of the City of London, positively refused to meet at all, unless they were appointed to come to Westminster.”

His Honor mentions, as the House had done before, the important Matters lying before the Court, and the Necessity of their being acted upon: But these important Matters may to much better Purpose, as well as with greater Convenience, be acted upon in the Town House in Boston, where the Records of the Province are kept: And besides, the greater the Importance of the Business is, the stronger is the Reason, why the Assembly should act upon it in the Metropolis; where there is usually a Concourse of the People from all Parts of the Province, whose Reasonings and Arguments upon Matters of public Importance, ought forever to be regarded. Wise Parliaments have always reap'd great Advantage from the Wisdom of the People without Doors; and have frequently been adjourn'd to a distant Time, when such Matters have been bro't on, that they might have the Opportunity of consulting their Constituents.

His Honor in his Message has introduced an Anecdote, concerning his own Conduct, when Speaker of the House in 1747 or 1748, but to what Purpose is not easy to discover or conceive. He seems to insinuate without affirming, that his own Judgment, then was, and still is, in Favor of the Sentiments of the present House, that the Town-House in Boston is the most convenient Seat of Government: But if this was not his Meaning, his Conduct at that Time, whether

whether it proceeded from his own Opinion, or was meerly in Compliance with the Minds of his Constituents, which he has been pleased to leave ambiguous, (as he has whether his present Conduct is meerly in Obedience to Instructions, against his own Judgment, or whether, his own Judgment is conformable to his Instructions), is a full Justification of the House, as far as his Honor's Example can justify them ; for the House are well assured, that the Minds of their Constituents at this Day are, that the Seat of Government should be in Boston, and not elsewhere.

Another Insinuation in his Honor's Message is, that heretofore the Province has been doubtful whether Boston was the most convenient Seat of Government or not.

But we have great Reason to question, whether one Half or one Quarter of the Province ever thought in earnest of building a State-House out of Boston, notwithstanding the Division of the House in 1747 or 1748, upon the Question, whether a Grant should be made for re-building the Town-House in Boston, or not. The Diversity of Opinions upon the Question in the House at that Time arose as we conceive, from a Concurrence of many other Causes, which we have not Time now to enumerate, and the Party who were against the Grant, were most of them, as we have Reason to believe, against it from other particular Views, Motives and Designs, not from any Opinion that Boston was not the best Seat of Government. But had the House then been fully for removing the Seat of Government into the Country, we are convinced that many alarming Events and Occurrences have happened since that Time, which have placed the Expediency, if not the Necessity, of holding the General Court in Boston, beyond all Dispute.

We are also told, that " we may be as fully justified, even on our own Principles, in proceeding to act upon these Matters of public Importance, as the House of the last Year could be justified for the Business *they* did, or, as we shall be able to justify ourselves by what we have already done the present Session." Thus we find one Instance of a Compliance of a former House, makes Way for a new Demand : The last House submitted to all the Inconvenience and Hardships to themselves, and Injuries to the Province, which arose by their sitting at Cambridge ; and their Condescension is now quoted as a Precedent, and an Argument for our submitting to the Grievance also. This certainly affords a good Reason for the House to adhere to their Resolution, to prevent the Establishment of such a Precedent. Besides, the former House yielded to it, conceiving it as only a temporary Evil ; but now there is great Reason to apprehend a fixed Design, either entirely to change the Seat of Government, or by moving the Assembly from Place to Place, to harass and bring them into a Compliance with arbitrary and despotic Purposes.— With Regard to the Business we have already done, " the present Session", namely the Election of Counsellors, the House are of Opinion, that they can fully justify themselves therein consistent with this Resolution. The Counsellors are to be elected according

to the Terms of the Charter, "Yearly once in every Year"; and it has been the invariable Usage, as it has been thought to be agreeable to the Spirit of the Charter, to proceed to that Business on the last Wednesday in May: The House therefore proceeded to it on that Day, tho' with great Precaution, that "the Enemies of our Constitution," who are sedulous to take all Advantages against it, might not "have it in their Power to say", that by an Omission we had forfeited our invaluable Charter. It was therefore viewed as of absolute Necessity, to enter upon that Business at that Time; tho' it could not be done in the ancient and proper Place of holding the General Assembly. But no Business now before us, can be of such absolute Necessity, as that the omitting it will endanger the Constitution: On the contrary, the Danger to the Constitution now lies in proceeding to Business under the present Grievance; and therefore we do our Duty, finally to refuse to proceed to Business in Cambridge; as judging it the least likely to be attended with ill Consequences to Ourselves, our Constituents and Posterity.

It is further to be observed, that the House have no other Power or Check whereby to restrain the undue Exercise or Abuse of the Prerogative. It is presum'd that the Commons ought to be as free and independent as any other Part of the Legislature; because the democratical Branch is at least as important to the People and the Constitution, as the monarchical or aristocratical: And they have at least as clear a Right to judge of the proper Time for them to do their Part of the Business of the Province, as the Governor has to judge of his.—The Governors of the Province have of late Years refus'd to consent to any Act or Business whatever, untill they have had a Grant for their Support; and for this they have pleaded an Instruction: Here therefore is an Example of a Resolution in the King's Minister's and Servants, that no Business shall be done untill the People shall exert their Prerogative in a Manner agreeable to the Crown: And the Prerogative of the People to grant Money in their own Time, to raise it in their own Way, and by their own Means, and to appropriate it for such Purposes as they shall judge proper, is surely much clearer and more indisputable, than that of the Governor of the Province to convene and hold the General Assembly in any other Place beside the Town-House in Boston.

His Honor has been pleased to mention divers Matters to be acted upon, which we readily acknowledge are necessary and important; and it is still our earnest Desire to proceed to the Consideration of them without any unnecessary Delay.—The further Suspension of the Act for Limitation of Law-Suits, and a proper Establishment for Castle-William and Fort-Pownal, demand our Attention; and the repealing in Part the Act which requires the Treasurer to issue his Warrants for levying a Tax of more than Eighty Thousand Pounds, is of particular Importance at this Time, when the Embarrassments of the Trade, and other grievous Hardships the People are made to suffer, would render it difficult for them to bear so great a Burden:

But

But we have notwithstanding Reason to believe that they had much rather be subject even to the immediate Payment of that whole Sum; distressing as it would be, than to concede to so pernicious a Precedent; and to have the General Assembly hereafter controul'd by the Mandates of a Minister, and made to submit to Measures which will be much more injurious to them, and dangerous to Posterity. If therefore his Honor should finally refuse to remove the Assembly to the Town-House in *Boston*, (which we hope he will not) while there can be no Necessity for holding us here, the World will judge to whom all the ill Consequences of it must be attributed.

The foregoing Report was read in the House; and after Debate thereon, the Question was moved, *Whether the House do accept the Report?*

Upon a Motion made, *Ordered*, That the Question be decided by *Yeas* and *Nays*.

Then the Question being put, *Whether the House do accept the Report of the Committee?* Passed in the *Affirmative*. And,

Ordered, That the same be published accordingly.

Y E A S.

Mr. Samuel Adams,
John Hancock, Esq;
John Adams, Esq;
Captain William Heath,
Mr. Samuel How,
Mr. Benjamin Wadsworth,
Ebenezer Thayer, jun. Esq;
Mr. Joshua Hearsey,
Nathaniel Sumner, Esq;
Mr. Moses Bullen,
Mr. Jabez Fisher,
Capt. Benjamin White,
Capt. Eleazer Kingsberry,
Mr. Hezekiah Gay,
Capt. Jonathan Adams,
Joshua Clap, Esq;
Capt. Richard Derby, jun.
Mr. John Pickering, jun.
Dr. Samuel Holten,
Capt. Michael Farley,
Joseph Gerrish, Esq;
Richard Reed, Esq;
John Gallison, Esq;
Mr. Ebenezer Burrill
Samuel Phillips, Esq;
Capt. Henry Herrick,
Humphrey Hobson, Esq;
Caleb Cushing, Esq;

Y E A S.

Mr. Samuel Batcheller,
Capt. Samuel Smith,
Aaron Wood, Esq;
Capt. Daniel Thurston,
Mr. Thomas Gardner,
Edward Sheaffe, Esq;
Mr. John Remington,
Mr. Oliver Richardson,
Capt. Abraham Fuller,
Samuel Bancroft, Esq;
Mr. Samuel Witt,
William Stickney, Esq;
William Reed, Esq;
Mr. Simeon Spaulding,
John Noyes, Esq;
Capt. Ebenezer Harnden,
Mr. Abraham Bigelow,
Capt. Joseph Mellen,
Capt. Jonas Dix,
Henry Gardner, Esq;
James Prescott, Esq;
Joseph Hawley, Esq;
Mr. John Dickenson,
Mr. David Field,
Mr. Gideon Vinal,
Capt. John Wadsworth,
Capt. Anthony Thomas,
Capt. Edward Mitchell,

Mr.

Y E A S.

Mr. Samuel Sprague,
 Capt. Robert Bradford,
 Capt. Woodbridge Brown,
 Elisha Doan, Esq;
 Mr. John Dagget,
 Capt. Thomas Durfee,
 Thomas Bragdon, Esq;
 John Wheelwright Esq;
 Jeremiah Hill, Esq;
 Samuel Stanwood, Esq;
 James Athearn, Esq;

Y E A S.

Mr. Stephen Hufsey,
 Capt. Asa Whitcomb,
 Mr. Edward Rawson,
 Capt. Thomas Denny,
 Capt. Stephen Maynard,
 Edward Hartwell, Esq;
 Jedediah Prebble, Esq;
 David Ingersol, Jun. Esq;
 Capt. Charles Goodrich,
 Capt. Isaac Searl.

N A Y S.

Major Benjamin Day,
 Mr. Elisha Porter,

Mr. John Ingersol,

Then the House adjourn'd 'till To-morrow Morning Ten o'Clock.

MERCURI, Die 13 Junii, A. D. 1770.

Address to
 His Honor.

***ROYALL Tyler, Joshua Henshaw and James Humphrey,
 Esqrs; came down from the Council Board, and laid on
 the Table the following Address to his Honor the Lieuten-
 ant-Governor. And the said Gentlemen withdrew.

May it please your Honor,

IT would give us great Pleasure to proceed upon the public Business agreeable to the Recommendation in your Honor's Speech, at the Opening of the present Session: But as in Consequence of a Motion made in Council, that your Honor should be requested to adjourn the General Court to *Boston*, you informed the Board you could not do it consistent with your Instructions;—it is first incumbent on us to observe, that the Province Charter ordains “that the Governor for the Time being, shall have full Power and Authority, from Time to Time, as he shall judge necessary, to Adjourn, Prorogue and Dissolve the Great and General Court.”—This Power is a full Power: It is wholly in the Governor; and to be exercised as he shall judge necessary. It cannot therefore be subject to the Controul of Instructions. Such a Power and such a Subjection of it are incompatible. The Moment it is so subjected, it ceases to be a full Power; and the Governor is no longer the Judge with Regard to the Exercise of it. It is therefore a palpable Contradiction to suppose it under such a Controul: And in Fact (judging of it by the Charter only) it is controulable by nothing but the Convenience and Safety of the General Court, and the general Utility of the Province. For those Ends that Power was lodged by the Crown, exclusive of itself, in the Governor solely.—It is true that

that no mention is made of the Place of such Adjournment or Prorogation : The same is also true as to Time : But they are both necessarily included in the Idea of Adjourning and Proroguing : And if these last be wholly and exclusively in the Governor, which is very evident, the Time and Place must be also.

There is nothing absurd or unreasonable in this Construction of the above-cited Clause of the Charter : for it is impossible in the Nature of Things, that the Crown at the Distance of a Thousand Leagues, should be able understandingly, and with a Knowledge of present Circumstances, upon which the Fitness of such a Measure depends, to exert that Power.—It is therefore fit and necessary that such exclusive Power should be vested in its Representatives here. And the said Clause does in Fact make such an Investiture.

It cannot be said, that “ this sole Power is intended for no other Purpose than to exclude both the other Branches of the Court from any Share in it,” because there is not a Word in the Charter, that even intimates such an Intention : And because the Clause giving the Power is expressed in Terms vesting that Power solely and exclusively in the Governor.

With Regard to the convening the General Court, the Charter ordains and grants, “ that there shall and may be convened, held and kept by the Governor for the Time being, upon every last Wednesday in the Month of May, every Year for ever, and at all such other Times as the Governor shall think fit and appoint, a Great and General Court.”

The Time of convening in May is fixt, and therefore not alterable by Instructions. Other Times of convening are to be such as the Governor shall think fit. He is made the Judge of the Fitness of such other Times : which therefore in Regard to Time excludes the Controul of Instructions. As to Place although the Charter be silent, the convening must have Relation to Place as well as Time : The Right of judging of the latter, implies the same Right in Respect to the former : And the Reasons for both are the same, as well as for the Adjourning, Proroguing and dissolving the Court, which 'tis evident are exclusively in the Governor. The Power is the same as to all those Particulars ; and it is fit it should be so : For the Governor being in the Province must have the best Opportunities of knowing what the general Convenience, Safety and Utility require : It must be reasonable therefore to suppose, that such an exclusive Power was intended by the Charter to be lodged in him ; and in Fact it is by the said Clauses very perspicuously so lodged,—Hence it is (admitting the Act for establishing the Form of the Writ for calling a General Court to be out of the Question) that after long Experience had determined Boston to be the most convenient and fit Place for the Meeting of the General Court, all the Governors of the Province, except Mr. Burnet, from the Date of the Charter to the last Year, have convened the General Court at Boston, excepting in a few Cases, wherein the Safety of the General Court, or the public Utility made it proper to convene the

Court elsewhere: And in those Cases the Removals of the Court were justified by the respective Reasons for them. "The Power of calling Parliaments in England, as to precise Time, Place and Duration, is certainly a Prerogative of the King, but still with this Trust, that it shall be made Use of for the Good of the Nation, as the Exigencies of the Times and Variety of Occasions shall require." The Power of calling the General Court, in like Manner for the Good of the Province, is by the Charter vested in the Governor for the Time being. But considering the several Acts of the General Court, whereby a Court-House, which has been several Times Re-built for accommodating the General Court, and a commodious and elegant Dwelling-House and other Accommodations for the Residence of the King's Governor, have been provided at Boston at a great public Expence—Considering also the Act "for establishing the Form of the Writ and Precept for calling a Great and General Court," whereby it appears, that in the Writ, Precept and Return, the Town-House in Boston is mentioned to be the Place where the General Court is appointed to be convened, held and kept.—The Proceedings also of Governor Shute and the Assembly in 1721, whereby it appears the Governor declared, that the Adjournment from Boston should not be drawn into Precedent; and a Resolve was passed by the whole Court, validating and confirming the Acts of that Court: Which Proceedings clearly manifest their Apprehension that Boston was the Place established by Law for the Governor's convening and holding the General Court. When these Acts are considered, if they do not amount to a strictly legal Establishment of the Place of convening and holding the General Court, they at least furnish (in our humble Opinion) a Rule by which the Governor ought to conduct himself in that Regard; and from which he may not depart, but in Cases of Exigency.

When Exigencies happen, of which every one can judge, they afford a sufficient Reason for deviating from the Rule, and the Deviation will not nor can be complained of.

Governor Burnet's Conduct in convening the General Court out of Boston, cannot be deemed an acknowledged or constitutional Precedent to justify a similar Conduct; because it was not acquiesced in, but remonstrated against, by the House of Representatives: And because it was not founded on the only Reason, on which the Prerogative of the Crown can be justly founded, the Good of the Community.

In Governor Belcher's Time, when in Consequence of Instructions he removed the General Court to Salisbury, the Removal was "for the more convenient carrying into Execution a Commission for settling the Line between this Province and New-Hampshire."

Here Convenience was the Reason for the Removal. It was convenient that the Assemblies of both Provinces, which were then under the Administration of the same Governor, should be as near each other as might be, for effecting the Settlement of the Line
between

between the two Provinces : And it was not only convenient, but the general Good of both required such a Settlement.

So long as Prerogative is exercised for the real Good of the Community, which the Community must feel, and will always acknowledge, it is seldom examined, whether that Exercise be strictly legal or not : But that Omission does not take away the Right of examining, whenever Prerogative is exercised for a different Purpose.

In the present Case, when every Reason, arising from Convenience, Safety and Utility, demonstrates and urges the Fitness of the Court's sitting in Boston, the convening and keeping it elsewhere, contrary to the Mind of the Two Houses, and the Province in general, we humbly apprehend is an Exercise of the Prerogative, if not against Law, yet certainly against ancient Usage, and unwarranted by the Reason which supports all Prerogative, namely the public Good.

We are sensible " the Governor is Servant of the King, and by his Commission is to govern the Province according to Charter, and according to such Instructions as he shall from Time to Time receive from the King." Those Instructions however must be understood to be such as do not militate with, or in any Degree vacate the Charter, otherwise the Charter would be annihilable at Pleasure : From whence it would follow, that it neither was, nor is in the Power of the Crown to grant any Charter whatever, vesting in the Grantees any durable Privileges, much less such as are granted by the Charter of this Province, which are perpetual. But we hold it to be clear Law, that the Crown had and hath such a Power : And it is equally clear, that their late Majesties King William and Queen Mary for themselves, their Heirs and Successors did, by their Charter, in the Third Year of their Reign, grant to the Inhabitants of this Province, and to their Successors thenceforth for ever, all the Powers and Privileges in the said Charter mentioned : One of which is, that the Governor for the Time being shall convene, adjourn, prorogue, and dissolve the General Court, as in the two Clauses above quoted : Which Clauses for the Reasons aforesaid, we humbly apprehend vest in the Governor for the Benefit of the said Inhabitants an exclusive Right for those Purposes : and therefore that no Instructions can supercede or controul that Right, which is a beneficiary Grant to the People, without injuring them, and so far vacating the Charter.—Your Honor has observed very justly " that his Majesty never intended his Instructions should supercede or controul the Law." This is and must be true also with Respect to the Charter : Because it is the great Law of the Constitution, and is the Foundation of all the Laws of the Province, and because his Majesty is just ; has a paternal Affection for his People ; and never intended his Instructions should subject them to any unnecessary Inconvenience, much less infringe their Rights.

WE therefore earnestly request, that for his Majesty's Service, the Ease and Happiness of your Honor's Administration, the Convenience of the General Court, the Utility and Satisfaction of the Province in general, in Pursuance of the Intention and Spirit of divers Acts

Acts and Laws of the Province, pursuant to the Usage (under both Charters) of more than a Hundred Years standing, but more especially pursuant to the full and exclusive Powers vested in the Governor by the present Charter, your Honor will please to adjourn or prorogue the Great and General Court to its ancient and constitutional Place, the Town-House in Boston.

Post-Meridiem.

Upon a Motion, *Ordered*, That the several Messages passed in the present Session, between his Honor the Lieutenant-Governor, and the two Houses, respecting the convening, holding and keeping the General Assembly out of the Town-House in *Boston*, be published; together with the Resolutions and Proceedings thereon: And that Mr. *Hancock*, Mr. *Adams* and Capt. *Heath*, prepare the same for the Press accordingly.

Then the House adjourn'd 'till To-morrow Morning Ten o'Clock.

JOVIS, 14 *Die Junii*, A. D. 1770.

✠✠✠ R. *Field*, the Member for *Dzerfield*; and Mr. *Ingersol*, the
✠ M ✠ Member for *Westfield*, had Leave of Absence.
✠✠✠

Then the House adjourn'd 'till To-morrow Morning, Ten o'Clock.

VENERIS 15 *Die Junii*, A. D. 1770.

✠✠✠ WILLIAM *Brattle*, *Royall Tyler*, and *James Pitts*, Esqrs;
✠ W ✠ bro't down from the Council Board, and laid on the Table
✠✠✠ a Message from his Honor the Lieutenant Governor to the honorable Board, in Answer to their Address, as follows, viz.

Gentlemen of the Council,

Message from
His Honor.

YOU seem, as far as I can collect from your Address, to decline proceeding in your Legislative Capacity upon the public Business. You have expressed your Sense in very strong Terms that I ought not to have caused the General Court to convene at Cambridge in Consequence of Instructions, and that it is very necessary to the public Good that it should be convened at Boston.

I have "thought fit and have appointed" that the General Court should convene at Cambridge. I have done no more than what the Charter authorizes me to do. If I have done it, meerly in Consequence of Instructions and from a Sense of my Obligation to what appears to

me to be his Majesty's Pleasure, I shall notwithstanding be justified ; for the Crown neither by Charter nor in any other Way, hath ever divested itself of the Right of Instructing the Governor in what Manner this Power, delegated to him shall be exercised. The Practice of giving Instructions, which began with the Charter and which has continued near fourscore Years, I think should have been sufficient to prevent the Council from taking Exception to them.

If, without Regard to any Signification of his Majesty's Pleasure, I had in my own Judgment thought it fit and necessary that the Court should be convened at Cambridge, it would, now, be to no Purpose for me to tell you so ; for although you admit it to be a Part of the Prerogative that I should convene the Court at such Time and Place as I judge it to be most fit, yet you have a Reserve, for you have explained away all the Prerogative and removed it from the King and his Representative, and made yourselves and the People the Judges when it shall be exercised, and in the present Case have determined that it is not fit it should be exercised.

I will not engage in a Dispute with you upon these Points. I think it enough for me to tell you, that I have not the least Doubt of the Crown to controul the Governor by Instructions or other Signification of the Royal Pleasure ; that I believe it to be for the Benefit of the People, that a Governor should be under this Controul ; that the present set of Instructions for the Governors of this Province, are wisely framed for the Advantage of the Province ; that I have no Instructions, at present, nor have I Reason to expect any, militating with the Charter, nor with any Law of the Province. I must therefore adhere to them.

As his Majesty's Council for the Province, I shall consult you upon every Occasion ; and your Advice will have great Weight with me : But I must finally judge for myself, of the Fitness and Expediency of exercising the Powers devolved upon me, by Virtue of my Commission.

I am not able to comply with your Request, to adjourn or prorogue the Court to Boston. I therefore earnestly recommend to you, to proceed without further Delay, upon the public Business of the Province.

Cambridge, 15th June,
1770.

T. Hutchinson.

It was moved for a Committee to prepare a Message to his Honor the Lieutenant Governor, setting forth that this House cannot recede from their Resolution not to enter upon Business out of the Town of Boston ; and praying his Honor, that if he is determined not to remove the Assembly there, he would be pleased to give Leave to the Members to retire to their respective Homes.

Whereupon Mr. Speaker, Major Hawley, Mr. Samuel Adams, Capt. Sheaffe and John Adams, Esq; were appointed a Committee accordingly.

The said Committee reported to the House the following Draft.

K

May

Message to
His Honor.

May it please your Honor,
THE House of Representatives beg Leave to remind your Honor, that by their Message of the 7th Instant they made known to you their Resolution, that it was not expedient for them to proceed to Business out of their ancient, usual, and only convenient Place the Town House in Boston; and pray'd your Honor would be pleas'd to remove this General Assembly to that Place—Your Honor in Answer, was pleas'd to express your Hopes, that we would not finally refuse to do Business in Cambridge. We therefore take this Opportunity to assure you, that having had further Time maturely to consider the Matter, we are still determined to abide by the Resolution, and are ready to answer for all the ill Consequences that can be attributed to us. Surely you cannot think it for the Honor of the House, without any declared or conceivable Reason, to be kept here dependent upon private Persons even for Shelter, in a Manner deprec'd from the House provided and established for the Assembly, at a great Expence to the People, which now stands entirely useless and solitary.

We again in Duty to his Majesty, and in Faithfulness to our Constituents, make a Tender of ourselves, as ready to transact the public Business; provided your Honor will remove us to the afore-said ancient and established Seat of Government.

If you are still determined not to gratify the Request of the two Houses, in removing the Assembly there, you will please to consider, whether it will tend to the Cultivation of that Harmony in the Legislature which all good Men desire, to continue us sitting—The Members of this House unwilling that their Constituents should be put to an unnecessary Expence, are desirous of Leave to retire to their several Homes.

Read and accepted, and *Ordered*, That Mr. *Hancock*, Mr. *Samuel Adams*, Capt. *Brown*, *John Adams*, Esq; and *David Ingersol*, Esq; do present the same to his Honor the Lieutenant Governor.

Who returned that they had delivered the Message.

Upon a Motion, *Ordered*, That the Members of this House be enjoind to attend during the the Remainder of the Session.

Then the House adjourn'd 'till To-morrow Morning Ten o'Clock.

SABBATI 16 Die Junii, A. D. 1770.

Message from his Honor the Lieutenant Governor by the
A Secretary.

Gentlemen of the House of Representatives,

Message from
His Honor.

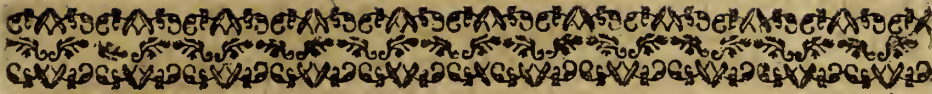
IHAVE Reason to expect, every Day, Letters from his Majesty's Secretary of State, and it appears to me probable that they may contain Matters of Importance to the Government. I therefore think it necessary the Court should continue sitting some Time longer, that I may have an Opportunity of communicating them so far as I may be required or allowed to do it.

Cambridge, 15th June,

1770.

T. Hutchinson.

Read, and then the House adjourn'd till Tuesday next, Ten o'Clock.



V O T E S

Of the Honorable House of Representatives.



MARTIS, 19 Die Junii, A. D. 1770.



*T*IMOTHY Woodbridge, Esq; returned a Member from Stockbridge, making his Appearance in the House, Ordered, That Capt. Fuller attend him to the Gentlemen appointed by Dedimus to administer the Oaths to the Members.

Member re-
turn'd from
Stockbridge.

Who reported that Mr. Woodbridge had taken the Oaths, and subscribed the Declaration required; and then Mr. Woodbridge took his Seat in the House.

James Otis, John Bradbury and James Pitts, Esqrs; came down from the Council Board, and laid on the Table the Copy of a Message to his Honor the Lieutenant-Governor, viz.

May it please your Honor,

WE have attentively considered your Honor's Message in answer to our Address; and we beg Leave to make a few Observations upon it.

Message to his
Honor.

The Charter of the Province, as it creates and defines the Powers of its Governor, is the only Rule (where the Province Law is silent) by which to judge of those Powers. It is a Compact between the Crown and this People to be mutually observed and kept: There is no Reservation in it that Instructions shall be a Rule of Government to the Governor: No Instructions therefore can be a Rule to him in Cases, wherein they alter those Powers, or in any other Way affect the Charter. This Inference we apprehend your Honor will allow to be just in general: And we think you will allow it to be just also, with regard to the Governor's Power of Adjourning, Proroguing, and Dissolving the General Court: For although we particularly quote the Clause of the Charter that relates to that Power, and have delivered our Sentiments pretty fully upon it; and it appears clearly, that it vests in the Governor an exclusive Right to exercise that Power, yet your Honor wholly confines your Observations

tions to the power of convening the General Court ; which induces us to think you are satisfied the Governor has an exclusive Right relative to the Adjourning and Proroguing ; and consequently that it is not controulable by Instructions. It is therefore needless, with regard to the Power of convening the Court, to say any Thing concerning it, in addition to what we have said in our Address, as the Object of our present Desire is, that you would please to Adjourn or Prorogue the Court to Boston.

Your Honor is pleased to tell us, “ that the Practice of giving Instructions, which began with the Charter, and has continued near fourscore years, should have been sufficient to prevent the Council from taking Exception to them.”—Our Address furnished no Occasion for this Observation ; for the Instructions therein referred to, were not Instructions in general, but such only as we apprehend militated with the Charter. On such Instructions, when made the Rule of Government, it is the Duty of the Council, in a becoming Manner to signify their Mind, even though such Instructions had begun with the Charter, and been continued to the present Time : And such a Signification of their Mind, we humbly apprehend, can never subject the Council to his Majesty’s Displeasure.

Your Honor informs us, that “ although we *admit* it to be a part of the Prerogative, that you should convene the Court at such Time and Place as you *judge fit*, yet we have a *reserve*, for we have *explained away* all the Prerogative ; *removed* it from the King and his Representative, and *made ourselves* and the People the judges when it shall be exercised ; and in the present case have determined, that it is not fit it should be exercised.”

We wish your Honor had quoted the clauses, on which you ground the several declarations contained in the foregoing Paragraph : Had this been done you would not have found that they justified all of them. We do *not admit* the Convening of the Court on the *last Wednesday* of May yearly, to be a part of the Prerogative in such a sense as to make the Convening of it on that Day doubtful. —We have made *no reserve* but what is warranted by the Charter ; by several Laws of the Province ; by ancient usage ; and the nature, end, and design of the Institution. —We have *not explained away* all the Prerogative, or any part of it, but shewn in the first place what it is according to the Charter ; and in the next, that those Laws with certain proceedings of the General Court, “ if they do not amount to a strictly legal establishment of the place of convening and holding the General Court, at least furnish (in our humble opinion) a rule by which the Governor ought to conduct himself ; and from which he may not depart but in cases of exigency.”—We have *not removed* the Prerogative from the King and his Representative, but on the contrary shewn, that it has been vested by the King in his Representative, to be exercised for the good of the People, which is the great end of Prerogative. —We have *not made ourselves* and the People, either jointly or severally, the Judges when it shall be exercised : But on the contrary, in the fullest and most
express

express manner, have declared it to be exercised as the King's Representative shall *judge fit*, consistent with the rule aforesaid. But if there were no such Rule to guide his Judgment, He would not be lawless in this Case, nor could make meer Will and Pleasure the Rule (if they can be called a rule) of his judging : For, by the very terms, and by the reason which ought to influence all his determinations, there is to be a *fitness* in his judging ; a fitness, arising from convenience, safety, and utility, agreeable to which it would be his duty to act ; and therefore although we have given our opinion what the General convenience and utility require, and that in the present case they require the removal of the General Court to Boston, yet we have not made ourselves nor the People the judges in this matter, but on the contrary have declared in the Address, to which your Message is an Answer, that the Governor of the Province is the sole judge. And therefore as we would not suppose your Honor has designedly misrepresented our Address, you will give us leave to say you have greatly mistaken it.

We are sorry to have reason to say, that in this Clause of the Message there is discoverable, not only a disposition unkind and unfriendly to the Council, but a want of Candor and Justice.

Is it kind or friendly, does it consist with Candor and Justice to represent, that we first admit the Convening of the Court to be part of the Prerogative fully vested in the Governor ; that we then make reserves concerning it ; that we explain it wholly away ; that we remove it from the King and his Representative ; and that we make ourselves and the People the Judges when it shall be exercised ?

If your Honor intended to bring upon the Council the displeasure of his Majesty, and in consequence of it, procure an alteration of its constitution, you could not do it more effectually than by such a Representation : But on examining, it will be evident, that there is no foundation for it, either in the Address, or in any other act of the Council ; and therefore such a representation is not only unkind and unjust to the Council, but, if we had let it pass unnoticed, might have proved injurious to the Charter Rights of the Province.

It is with regret we make these observations, but we are constrained to it by the Justice due to ourselves ; and by the Claim the Province has upon us to defend the Constitution of its Government.— We have the warmest Sentiments of Duty and Loyalty to his Majesty, which will stimulate us, on the one Hand to defend the just Prerogative of the Crown ; and on the other, to promote as far as we can, the End and Design of such Prerogative, the good of the People.

As your Honor has not condescended to give the Board the Reasons, on which you ground your Opinion concerning the Efficacy of Instructions to controul the Governor's Power of convening the General Court—as you are wholly silent about his Power of adjourning and proroguing the Court : and have not pointed out the Insufficiency of the Reasons, by which we have endeavored to support our own Opinion on those Points, we are under a Necessity, till we have further Light to continue in the same Opinion.

In the mean Time, we beg Leave to offer a few Observations on the remaining Part of your Honor's Message. It informs us you "will not engage in a Dispute with us upon these Points; that you think it *enough for you to tell us*, that you have not the least doubt of the Right of the Crown to controul the Governor by Instructions, or other Signification of the Royal Pleasure; and that you believe it to be for the Benefit of the People, that the Governor should be under this Controul."

As we are not inclined to be exceptions, we will not suppose your Honor intended to intimate here your own Superiority; or that it would be too great a Condescension in you and below your Dignity to discuss this Subject with the Council, We shall therefore only observe that if you have no Doubt of the Right of the Crown to controul the Governor by Instructions, you can have no Doubt of your own Right, not only of convening the Court at Cambridge, and holding it here contrary to the Prayers of both Houses, and all the Reasons offered by them; but (in Case you had been so instructed) of refusing to convene it at all, either on the last Wednesday of May yearly as required by the Charter, or at any other Time: Nor can you in the same Case doubt of your Right to dissolve the Charter wholly, and with it the present Form of Government, and to introduce any other. These are necessary Consequences of the Doctrine delivered in your Honor's Message. It is therefore a Doctrine inconsistent with every Idea of English Government; and utterly subversive of the Ends of all Government: And it puts the Property, Liberties, and Rights of the People of this Province, on a very precarious Foundation, or rather destroys the Foundation intirely — We cannot see how it can be "for the Benefit of the People, that a Governor should be under this Controul"—the Controul of Instructions, that in their Nature and Consequences may prove so injurious to the People. But as we would hope your Honor does not entertain Principles of such a Tendency, we suppose you must have meant such Instructions only, as were consistent with the Charter, and the Rights and Privileges of Englishmen.

Your Message further declares, "that the present Set of Instructions for the Governors of this Province, are wisely framed for the Advantage of the Province."—You are pleased here to express your entire Approbation of the Instructions you have received: one of which, we have been made to understand is, that the General Court shall be held in the Town of Cambridge. Till this Declaration we pleased ourselves with the Thought, that you were sincerely desirous (had it consisted with your Instructions) that the Court should be removed to Boston: But how can it be supposed your Honor can desire that this Removal should take Place, the direct contrary to which you have by fair Implication declared, is for the Advantage of the Province? That Advantage however can never appear, if the Instructions, which are the only Evidence of it, be kept secret.

If Instructions are to be the Law and Rule of Government, is it not fit and proper, that they should be known? Are we not otherwise

wife, not only in a State of Vassallage, but distinguished from others in that State in this essential Circumstance, that they have a known Law; which they might obey; and we an unknown one, which for that Reason we can neither obey, nor disobey, and yet may possibly be punished for not obeying.

Your Honor tells us "you have no Instructions militating with the Charter."—If there be an Instruction forbidding the Adjourning or Proroguing the General Court to Boston, we apprehend it does militate with the Charter: and we think we have in our Address clearly proved from the Charter, that it does so militate: In which Case we submit it to your Honor's Consideration, whether you can be held to observe it.

Whenever your Honor shall think proper to consult the Council upon any Occasion, you may depend on our best Advice for his Majesty's Service, and the Good of the Province. These necessarily include each other, and are in Fact but different Names for the same Thing: there being no Room for Distinction or Separation between them: Whoever attempts therefore to make a Separation is an Enemy to both.

As His Majesty is the wise and tender Father of his People, He will always look upon those the best Promoters of *his* Service, who in the best Manner promote *their* Interest and Happiness: And we are still of Opinion, that with that Interest and Happiness is connected the Removal of the General Court to Boston.

Read, and then the House adjourn'd till To-Morrow at Ten o' Clock.

MERCURII, Die 20 Junii, A. D. 1770.

✠✠✠ R. George Wheaton returned a Member from Norton; and Nathaniel Allen, Esq; returned a Member from Gloucester, making their Appearance in the House, Members return'd from Norton and Gloucester.

Ordered, That Mr. Pickering attend them to the Gentlemen appointed by Dedimus to administer the Oaths to the Members.

Who reported that they had taken the Oaths, and subscribed the Declaration required; and then the said Gentlemen took their Seats in the House.

Then the House adjourn'd 'till To-morrow Morning, Ten o'Clock.

JOVIS, 21 Die Junii, A. D. 1770.

✠✠✠ UPON a Motion, Ordered, That a List of the Members be called twice every Day, during the Remainder of the Session.

Post-

Post-Meridien.

It was moved for a Committee to prepare a Message to his Honor the Lieutenant Governor, praying that he would be pleased to order a Recess ; and Mr. *Samuel Adams*, Capt. *Sheaffe* and Mr. *Hancock* were appointed accordingly.

The said Committee reported the following Draft, viz.

May it please your Honor,

Message to
His Honor.

IN your last Message to this House, you was pleased to say, that you were in daily Expectation of a Letter from his Majesty's Secretary of State, which it was probable would contain Matters of Importance to the Government ; and that therefore you then tho't it necessary that the Court should continue sitting some Time longer.

The House would be glad to be informed whether in Consequence of any Letters you have received by the Packet now arrived, your Honor has any Matters to lay before the Assembly. If so, the House is ready to attend their Duty, provided you will be pleased to remove the Assembly to its constitutional Place, the Town-House in Boston : But if your Honor is yet determined against such Removal, the Members of the House are very desirous of returning to their respective Homes.

Read and accepted, and sent up by Mr. *Hancock*, Capt. *Sheaffe*, Mr. *Woodbridge*, Dr. *Holton*, and Mr. *Samuel Adams*.

Who returned that they had delivered the Message.

Then the House adjourn'd 'till To-morrow Morning Ten o'Clock.

VENERIS 22 *Die Junii*, A. D. 1770.

SSS Message from his Honor the Lieutenant Governor, by the
SAS Secretary, viz.
SSS

Gentlemen of the Council, and,

Gentlemen of the House of Representatives,

Message from
His Honor.

I Cannot remove the Court to Boston. I am so sensible of the Mischief which must be the Consequence of your final Refusal to proceed in the public Business, that I must earnestly recommend to you a Reconsideration of your Votes or Resolves to the contrary. I am still in Expectation of important Advices. If I should not receive any before Monday, and you shall persist in your Refusal, it is my Intention then to give you a short Recess.

Cambridge, 21st June,
1770.

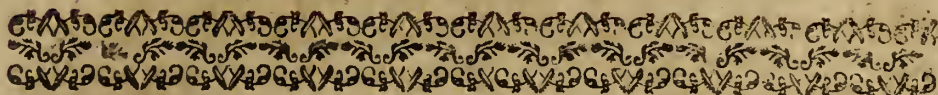
T. Hutchinson.

The

The foregoing Message was read in the House ; and the Question was moved, Whether the House still adhere to their Resolution, *viz.* That it is by no Means expedient to proceed to Business while the General Assembly is *thus* constrained to hold their Session out of the Town of Boston ? Which being put, pass'd *unanimously* in the Affirmative. And Mr. Speaker, Mr. *Hancock*, Mr. *Samuel Adams*, Mr. *Pickering*, and Major *Gallison*, were appointed a Committee to prepare a Message to his Honor the Lieutenant Governor, desiring a Recess.

Then the House adjourn'd 'till Monday next, Ten o'Clock, A. M.





V O T E S

Of the Honorable House of Representatives:



LUNÆ 25 Die Junii, A. D. 1770.

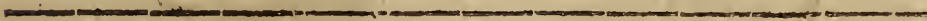
THE Committee appointed to prepare a Message to His Honor the Lieutenant Governor, made Report.
 T Read and accepted, and *Ordered*, That the following Message be sent to his Honor the Lieutenant Governor, viz.

May it please your Honor,

YOUR Message of the 21st Instant has been read and considered in this House: In Answer to which we beg Leave to say, that the Mischiefs which must be the Consequence of our receding from the Votes and Resolutions to which you refer, are so obvious, that the House have now unanimously resolved to adhere to the same.—Therefore, if your Honor is yet determined not to remove the Assembly to Boston, We are very desirous of Leave to return to our respective Homes.

Post-Meridiem.

The Secretary came into the House and said, “ It is his Honor’s Pleasure, that this Great and General Court or Assembly be Prorogued to Wednesday the 25th Day of *July* next, then to meet at Harvard-College in Cambridge : And the said Great and General Court or Assembly is prorogued accordingly.”



[Faint header text]

[Faint title or subtitle text]

[Faint text line]

[Faint text line]

[Faint text line]

[Faint text line]

[Faint text line]

[Faint text line]

[Faint text line]

[Faint text line]

[Faint text line]

[Faint text line]

[Faint text line]

[Faint text line]

[Faint text line]

[Faint text line]

[Faint text line]

[Faint text line]

APPENDIX

Containing several Messages passed between his Honor the Lieutenant-Governor and the honorable Board ; which not having been laid before the House of Representatives, could not be inserted in the Journal in their Order.

A Message from his Honor to the Council, in Answer to that of the honorable Board of the 19th June—Vid. Journal, Page 39.

Gentlemen of the Council,

I HAVE avoided Controversy with you not from a Sense of my Superiority, as you seem to insinuate, but from a Desire of living in Harmony with you. In your last Message you charge me with want of Candor and Justice. You have laid me under a Necessity of answering your Message that I may vindicate my Character.

You had asserted in your first Message to me that the Governor has full Power and Authority as he shall judge necessary, to adjourn, prorogue and dissolve the General Court, and that this Power could not be subject to the Controul of Instructions. I observed in my Answer to you, that "the Practice of giving Instructions which began with the Charter, and has continued near fourscore Years, should have been sufficient to prevent the Council from taking Exception to them." You now say, that the Instructions you referred to were not Instructions in general, but such only as you apprehended militated with the Charter.

I have not designedly misrepresented any Part of your Message. Instructions, in the Case you referred to, appeared to me to militate with the Charter no more than in any other Case which I could then or at any Time since think of ; and I thought I had the same Reason to suppose you denied the Force of Instructions in general, as in this particular Case.

You say that by this special Grant of Power to a Governor, the Crown excludes itself from a Right of Controul. Why should the specifying the particular Parts of the Governor's Power take away the Crown's Right of Controul, any more than a Grant of the Powers of Government in general Terms ? I pray you would attend to the Charter, and consider that the particular Parts of the Governor's Power which are specified are such as the Governor under the first Charter had no right to. By Virtue of that Charter he could neither call, adjourn or prorogue, nor dissolve the General Court ; he had no Power of nominating Judges, Justices, Sheriffs, &c. no Negative upon any Acts of the Assembly, nor of the Council, no Power

of appointing Military Officers, nor any Sort of Military Power more than any other Person in the Government. The Agents for the Colony, as appears by sufficient Memorials, were then soliciting in England, that the Governor, to be appointed, might be restrained and have no more Power in these Cases than the Governor then in Place in the Colony. Does it then look probable that these Parts of the general Power of the Governor were enumerated in order to divest the Crown of its Right of Controul? Do you imagine that when it is declared, the Governor shall have full Power by himself, or any chief Commander to be appointed by him, to govern the Militia, that it was the Intent of the Crown to give a Subject an uncontrollable Military Power; and yet these are the Words of the Charter? Is it not therefore without doubt that these Enumerations were made merely to exclude all Claim from any Authority within the Colony? If this be a just Observation, there is nothing to distinguish the Case you refer to from any other. No Part of my Conduct has ever given you any Room to suggest that I hold the King's Instructions above the Law, or that I can be justified in depriving the People of any Privilege to which they have a Right by Charter.

You then complain that I have injured you in charging you with explaining away the Prerogative into your own Hands & the Hands of the People. In your first Message you admit the Prerogative in the Crown or Governor to adjourn, or prorogue the Court, but add, that this Prerogative must be exercised for the public Good. The public Good, you might have added, is the great Purpose for which Government is instituted. You afterwards observe, that "In the present Case when every Reason arising from Convenience, Safety and Utility, demonstrates and urges the Fitness of the Court's sitting in Boston, the convening and keeping it elsewhere, contrary to the Mind of the two Houses and the Province in general, we humbly apprehend is an Exercise of the Prerogative, if not against Law, yet certainly against ancient Usage, and unwarranted by the Reason which supports all Prerogative, namely the public Good." If you had submitted to the Exercise of the Prerogative in this Instance, I should have considered this Paragraph in the Nature of a Remonstrance only, in order to induce me to alter the Measure, from a Conviction of the Inexpediency of it; for I wish to put the most favorable Sense upon your Expressions; but when your declining to do Business is taken into Consideration also, had I no Reason to say, that all this, taken together, explained away the Prerogative into your own Hands and the Hands of the People? You have not indeed expressly said that you will not proceed to Business. I wish I may have misapprehended your Intentions; but, if I have done it, you certainly have given me so much Reason to do it that I cannot be chargeable with want of Candor or Justice. You have as little Reason to charge me with an Intention to bring upon you his Majesty's Displeasure, or procure an Alteration in the Constitution. If either of these should ever be the Case, they must be attributed to some other Cause, and not to any Thing which I have done.

M,

My only Intention in my Answer to your Message is to vindicate myself from the Charges made against me, I shall therefore take no Notice of any other Parts of it. I despair of prevailing with you to concur in Sentiment with me. I am convinced that any further Arguments will only tend to increase the Breaches which I should think myself happy to be able to repair.

Milton, 20th June,
1770.

T. Hutchinson.

On Monday June 25th, a Committee of the Honorable Board waited on his Honor the Lieutenant-Governor with the following Message, viz.

May it please your Honor,

OUR last Message to your Honor was not intended to injure your Character, but vindicate our own: and the present Message is grounded on the same Reason.

Your Honor in your last Message (sent to us the 21st Instant) having quoted a Paragraph from our Address relative to the Power of convening and holding the General Court, is pleased to suggest, that we had not "submitted to the Exercise of the Prerogative in that Instance; and that you had Reason to say, that we had explained away the Prerogative into our own Hands and the Hands of the People." These Suggestions your Honor will give us leave to say can have no Relation to this Board, as we have given no Occasion for them whatever: and we take this Opportunity of disclaiming, and do hereby disclaim, all Right to the Exercise of the Prerogative in the Instance above referred to, and in every other.

We thank your Honor for wishing to put the most favorable Sense upon our Expressions: but the Favor we have to ask for them is, that they may be considered as they stand connected in our Address: in which Case we humbly apprehend they will be found to convey a Sense that will justify them.

We shall not take Notice of any Parts of your Message that will lead to a Repetition of what we have already said: as we are content it should be judged of, without any further Explanation or Defence.

In comparing together the new and the old Charter, your Honor enumerates several Powers vested in the Governor by the new Charter, viz. the Powers of calling, proroguing and dissolving the General Court, of nominating and appointing Civil and Military Officers, &c. which were not vested in him by the old Charter; and from the Comparison, as also from a Clause of the new Charter, concerning the Governor's Power to govern the Militia, you are pleased to make this Inference, "that it is therefore without Doubt that those Enumerations were made merely to exclude all Claim to those Powers from any Authority within the Colony" before the Grant of the new Charter. But although it may appear "by sufficient Memorials that the Agents for the Colony were then soliciting

liciting in England that the Governor to be appointed might be restrained, and have no more Power in those Cases than the Governor then in Place in the Colony," yet we cannot see the Justness of the above-mentioned Inference : Because, if the Design of the old Charter be considered, it will not appear just to argue from it the Intention of the new Charter : For your Honor has informed us in your History of this Colony, that " it is evident from the old Charter, that the original Design of it was to constitute a Corporation in England, like to that of the East-India and other great Companies, with Powers to settle Plantations within the Limits of the Territory, under such Forms of Government and Magistracy as should be fit and necessary."

The Design of this old Charter being to constitute a Corporation in England, shews the Reason why " by Virtue of it the Governor could neither call, adjourn or dissolve the General Court;" why " he had no Power of nominating Judges, Justices, Sheriffs, &c." and why he had " no Power of appointing Military Officers, nor had any Sort of Military Power." Such Powers given to a Corporation in England or to the Governor of it, would have been a Solecism in Politics, as it would have been the establishing of what is called *Imperium in Imperio*. But on the other Hand, there was a Fitness and Propriety, that such Powers should be so given where they respected a Corporation out of the Realm, and especially a Colony at the Distance of a Thousand Leagues from it : And accordingly in the new Charter, which was designed to constitute in this Colony a Form of Government, in a considerable Degree resembling that of England, the Governor is vested with those Powers : with which, for the Reason intimated above, it was unfit he should be vested by the first Charter. Hence it appears there is no sufficient Reason to deduce the Intention of the last Charter from the Difference of the Powers given by that and the first Charter : The End and Design of those Charters being different. But supposing the End and Design of both were the same, it would be of dangerous Tendency to determine the Design of the present Charter by any Thing beside that Charter itself : Especially if the Powers, with which it vests the Governor, are to be determined by that Design, and not by the Words of the Charter which describe and define them.

With Regard to the Clause of the Charter that relates to the Governor's Power over the Militia, and the Inhabitants of the Province in general ; it is so far from giving him an uncontrollable Military Power, that the Power is limited, and to be exercised (as in that Clause mentioned) for the special Defence and Safety of the Province. The Words cited by your Honor, viz. " full Power to govern the Militia," if they refer to any Thing further than the Training, instructing and exercising the Militia, cannot be understood to give a greater Power than may be exercised over the Inhabitants in general : which it is plain is limited, and to be exercised as above-mentioned.

mentioned. The said Clause then does not give to a Subject an uncontrollable Military Power. The Consequences arising from the contrary Supposition cannot therefore support the Inference above-mentioned : nor can they affect either the Power given to the Governor by that Clause, or by any other Clause of the Charter ; and therefore cannot affect the Governor's Power of convening, adjourning, proroguing or dissolving the General Court.

Though it be absurd that a Subject should be vested by the Crown with a military Power, uncontrollable by itself, yet with Regard to Civil Offices, there is no absurdity to suppose they should vest a Power uncontrollable by the Crown. Nay it is highly expedient and necessary, that some of them should vest such a Power : And in fact such a Power is vested in the Judges of England : And (to give no other instance) we think it is vested also in the Governor of this Province, so far as it relates to the Adjourning, Proroguing and Dissolving the General Court.

In the last Paragraph of your Honor's Message it is said, " that any further Arguments will only tend to increase the Breaches, which you should think yourself happy to be able to repair."—We are wholly ignorant what Breaches are here referred to. The only Breach we know of is, that your Honor and the Council have different Opinions about a Clause of the Charter : And this Breach (if it can be called one) must of Necessity continue till we see sufficient Reason to accede to your Opinion. In the mean Time we take this Occasion to assure your Honor that this Difference in Opinion shall never on our Part interrupt the Harmony which it will give us Pleasure to see kept up between all the Branches of the General Court.

And on the same Day, the Council sent up to his Honor another Message, as follows.

May it please your Honor,

IT gives the Board great Concern, That in your Message of the 22d Instant, directed to both Houses, after declaring how " sensible you are of the Mischiefs which must be the Consequence of our final Refusal to proceed in the public Business," you recommend it to us to reconsider our Votes or Resolves to the contrary ; when nothing is more certain than that the Board never passed any one Vote, Resolve, or Order relative to their proceeding, or not proceeding on public Business : so far from it, as that it never was so much as the Subject of their Debate.

O

Gentlemen

To the foregoing Messages, his Honor was pleased to answer as follows.

Gentlemen of the Council,

WHEN it shall be considered, that in your first Message to me you tell me "that it would give you great Pleasure to proceed in the Public Business," and then go on to give your Reasons against holding the Court at Cambridge, and when is further considered, that for three Weeks together you have done no Business, although great Part of the Business lying before the Court might with Propriety originate with you, and that your Messages to me, in which you take Exception to the Court's sitting at Cambridge, and my Answers, are sent down to the House, which is new and unusual, and that their Votes and Resolves against doing Business are sent up to you in the like unusual Manner, I am content that it should be judged of without any further Explanation, whether I had not sufficient Reason to say, that you declined doing Business, and whether it was not equivalent to an Express Refusal. If you did not intend it should be deemed a Refusal, I wish you had let me know in Answer to my last Message that you were willing to proceed to Business.

You seem to mistake my Intention in observing to you, that the several Parts of the Governor's Power specified in the New Charter were such as the Governor under the Old Charter was not vested with. To prevent any Exception to the Governor's exercising these Powers under the New Charter is an obvious Reason for the mentioning them. To suppose they were likewise intended to exclude the Crown from its Right of Controul is without any Foundation. Whether there was greater Propriety in the Grant of these Powers under the New Charter than under the Old is immaterial. Let the Propriety be ever so great, yet it was necessary to specify them, or there would have been Room left for Dispute, for although the Old Charter was intended for a Corporation in England, yet it had been carried to America, and the Powers granted by it had been exercised there, and there was the same Necessity of a special Explanation and Restriction in the New Charter, as if the old had been originally designed for a Corporation or Colony in America; and although, as you observe, Powers may be necessary for a Colony different from those of a Corporation in England, yet it by no Means follows that the Crown is excluded from its Right of Controul in the Exercise of those Powers, and if it be excluded, perhaps, in both Cases we shall be alike involved in the Solecism of *Imperium in Imperio*.

I cannot agree with you that it would be of dangerous Tendency to determine the Design of the present Charter by any Thing besides the Charter itself. Where there is any Ambiguity, there seems to be the same Reason for recurring to the particular Circumstances attending the soliciting and granting it, as there is to historical Facts
for

for the Construction of any uncertain ambiguous Expressions in any ancient Statutes.

You say, that the Governor's Military Power is limited for the special Defence and Safety of the Province. Be it so, it does not follow that the Crown has excluded itself from directing how it shall be exercised for this Purpose, in what Places the Governor shall erect Forts, &c. and yet the Governor has as *full* Power to erect Forts, as he has to call, adjourn or prorogue the Court; nor does there appear to me any Reason to suppose the Crown intended by the same Mode of Expression to retain its Military, and give up its Civil Controul; for your Observation upon the Power vested in the Judges does not prove a Distinction between the Civil and Military, but between the Judiciary and Ministerial Power.

As I see no Prospect of persuading the Court to proceed to Business, and as I am unwilling the good People of the Province should be at further Charge, I shall give you a short Recess, in Hopes that at the next Meeting the Difficulties you are now under will be removed, and that the several Branches of the Legislature will agree in Sentiment upon these Points.

Cambridge, 25th June,
1770.

T. Hutchinson.



1870

Received of the Treasurer of the
County of ... the sum of ...
for ...

Witness my hand and seal this ... day of ...
1870

John H. ...

per ...

...

...

JOURNAL

Of the Honorable House of REPRESENTATIVES.

At a Great and General Court or Assembly of his Majesty's Province of the *Massachusetts-Bay* in *New-England* : Begun and held at *Harvard-College* in *Cambridge*, in the County of *Middlesex*, on Wednesday the Thirtieth Day of *May*, being the last Wednesday of said Month, *Anno Domini*, 1770, and from thence continued by Prorogation to Wednesday the Twenty-fifth Day of *July* following, and then met at *Harvard-College* in *Cambridge*, being the second Session of said Court.

HARVARD-COLLEGE, CAMBRIDGE,

MERCURII, Die 25 Julii, A. D. 1770.

IT was mov'd that a Committee be appointed to wait on his Honor the Lieutenant Governor, and acquaint him that upwards of Forty Members of the House are now in the College Chapel ; and that they are earnestly desirous his Honor would be pleas'd to remove the General Assembly to its ancient and legal Place, the Town-House in Boston. Whereupon Mr. *Hancock*, Mr. *Adams*, Capt. *Keene*, Mr. *Hall* and Mr. *John Adams*, were appointed.

Quorum of the House met.

Who returned that they had delivered the Message to his Honor. *Benjamin Chadbourn*, Esq; returned a Member from *Berwick*, and Mr. *Jonathan Greenleaf*, return'd a Member from *Newbury-Port*, making their Appearance in the House ; Ordered, That Col. *Gerriſh* attend on Major *Chadbourn* and Mr. *Greenleaf* to the Gentlemen appointed by Dedimus to administer the Oaths, &c. Who return'd that the said Gentlemen had taken the Oaths and subscrib'd the Declaration required, and then they took their Seats in the House.

Members return'd from *Berwick* and *Newbury-Port*.

A Message from his Honor the Lieutenant Governor by the Secretary, viz.

Mr. SPEAKER,

Message from
His Honor.

"His Honor the Lieutenant-Governor is now in the Chair, and directs the Attendance of this honorable House in the Council-Chamber above Stairs."

Mr. Speaker and the House went into the Philosophy Chamber; where his Honor was pleased to deliver the following Speech to both Houses: Of which the Speaker obtain'd a Copy, and then return'd with the House into the Chapel.

Gentlemen of the Council, and

Gentlemen of the House of Representatives.

His Honor's
Speech.

PURSUANT to the Direction in the Royal Charter, I caused Writs to be issued for convening a Great and General Court or Assembly the last Wednesday in May: You met together at Time and Place, and the House of Representatives proceeded to the Choice of their Speaker and Clerk, and the Council and House by joint Ballot proceeded to the Choice of Counsellors for the Year ensuing: But the Council and House requested me to adjourn or prorogue the Court to *Boston*, and gave several Reasons against sitting in any other Place: The House expressly refused to proceed upon any further Business, and repeatedly desired that, unless I would remove the Court to *Boston*, they might be allowed to return to their respective Homes. I could not consistent with my Duty to the King remove you to *Boston*: To continue you sitting was continuing a Burden upon the People without any Benefit: For their Ease I prorogued the Court for four Weeks: From a Regard to their Interest, and because the public Business will not admit of further Delay, I meet you at the Time to which you stood Prorogued: I meet you at *Cambridge*, because I have no Reason to think there has been any Alteration in His Majesty's Pleasure, which, I doubt not, was determined by wise Motives and with a gracious Purpose to promote the good of the Province; and I must renew my earnest Recommendation to you to proceed without Delay upon such Affairs as lie before you.

The Illegality of holding the Court any where except in the Town of *Boston*, I think, you will no longer insist upon. I know of nothing to support you except the Form of a Writ for calling the Assembly and, upon the Force of this, you have the Opinion of the Attorney and Solicitor General in the following Words, *That the sole Power of dissolving, proroguing or adjourning the General Court or Assembly, either as to Time or Place, is in his Majesty's Governor: And that the Reasons against it, from the Act of the Tenth of King William, have no real Foundation, there being no Clause in that Act laying any such Restraint upon the Governor: But in the Form of the Writ the Word Boston is mentioned, which must be understood by Way of Instance or Example only, and not to limit the Power the Crown has of summoning or holding General Courts or Assemblies at any Place, much less of adjourning them from one Place to another after they were summoned; which Report was*
accepted

accepted by the King in Council. And although this Form of a Writ was afterwards brought by the House of Representatives as an Objection against holding the Court in *Salem*, in the Year 1728, yet they did not think it sufficient to justify them in refusing to do Business; and the Council for that Year, who are allowed to have been Men of Integrity and Superior Understanding as well as of the first Families and Estates in the Province, in a Message to the House, express their Sense in the following Words, viz. *Touching the Adjournment, they apprehend it improper and inconvenient to make any doubt of the Validity thereof—and they are ready to join with the Honorable House in proceeding to do the proper and necessary Business of the Province.* From that Time I have never known it suggested, until the present Day, that the General Court, by Charter or by Law, is confined to the Town of *Boston*. I have given you one Instance, in the Year 1747, which makes it probable that the House of Representatives rather chose the Court should sit elsewhere; and I may add another in the Year 1754, when a Committee of the House was appointed to consider of and report a proper Place for a Court-House at a Distance from *Boston*.

Your next Objection, that I act in Consequence of Instructions, has still less Colour! Instructions relative to any Matter not unconstitutional must be obligatory upon me: My Commission makes them so. I have no Authority to act but what I derive from this Commission, and I must act in Conformity to my Instructions or not at all; and I think I may safely say there is not one of you who, if he was in my Station, would venture to depart from them.

The only remaining Exception is this, that admitting it to be legal and a Part of the Prerogative, the other Branches have nevertheless a clear Right to enquire into the Exercise of this Power, and to judge for themselves whether it be wisely and beneficially or imprudently and arbitrarily exercised—“to remonstrate”—to “make a stand”—and “finally to refuse to do Business.” The actual Inconveniences which you have enumerated, from sitting at *Cambridge* can easily be removed, or they are so inconsiderable that a very small public Benefit will outweigh them.

The House of Representatives mention an Inconvenience which may arise from the Use of this Part of the Prerogative, because it gives Power to the Governor “to carry the Assembly from one extreme Part of the Province to another, till he shall have worried them into a Compliance with some arbitrary Mandate, to the ruin of their own and their Constituents Liberties”—The same Exception may be made to the Use of every other Part of the Prerogative, for every Part is capable of Abuse, and so is every Authority or Trust whatsoever. I will however assure you that I have never received any arbitrary Mandates; I have no Design myself; I know of no “fixed Design to harass you, in order to bring you into a Compliance with any arbitrary Measures;” I have nothing to lay before you but the common Business of the Province, which is necessary for the general Interest of the People. Consult
this

this Interest in every constitutional Way. Do it with as much Deliberation as the Importance of every Case shall require, I will patiently wait the Result of your Debates. Do it with as much Diligence and Dispatch as you please, and I will give you no Interruption, nor occasion any Delay.

But pray consider this last Exception, and the Effect of a Concession to it.

You allow that the Appointment of a Place for holding the Court is a Part of the Prerogative, but you refuse or neglect to do Business any where except in *Boston*; for this Prerogative, you say, is to be exercised for the public Good, and you do not think it for the public Good that the Court should sit any where except in *Boston*—His Majesty thinks it for the public Good that the Court should sit in *Cambridge*. If your Opinion is to prevail against His Majesty's Opinion, to what Purpose was this, or any other Reserve in the Charter, made to the Crown?

You consider the Charter as a Compact between the Crown and the People of the Province. Shall one Party to the Compact be held and not the other? The Crown by Charter grants as a Privilege to the People, that a Great and General Court or Assembly shall be held every last Wednesday in *May* forever. You would have tho't me culpable, and very justly, if I had deprived the People of this Privilege by refusing to issue Writs for convening the Court on the last Wednesday in *May*, or by refusing to do my Part of the peculiar Business for which it is then convened. By the same Charter the Crown reserves, as Part of the Prerogative, the Power of adjourning, proroguing and dissolving the Great and General Court or Assembly. Conformable to this Reserve, I have prorogued you to this Time and Place. If you had refused to meet, or should refuse to do Business now you are met, would you not deprive the Crown of the Exercise of the Prerogative, and fail of performing your Part of the Compact? The House of Representatives say they are ready to answer for all the ill Consequences which can be attributed to them, and yet they seem to have been sensible of the Danger from a Failure of the same Nature, for they acknowledge "they proceeded to the Election of Counsellors, that the Enemies of our Constitution might not have it in their Power to say, that by an Omission they had forfeited our invaluable Charter."—At the same Time they refused to do any other Business, because "none lay before them of such Necessity, as that omitting it would endanger the Constitution." Let me observe to you, Gentlemen, that it is not the Importance of the Business omitted, but it is the Refusal of the two Houses to comply with what the Charter requires of them, which our Enemies will take the Advantage of, and which will endanger the Constitution; and your refusing or neglecting to do Business now, will be as certain an Instance of your Non-compliance with what your Charter requires of you, as if you had refused to proceed to the Election of Counsellors in *May* last.

If you shall persist in your Refusal, I must prorogue you to some future Time. Without further Signification of His Majesty's Pleasure

sure it is not in my Power to remove you to Boston. But I flatter myself, you will not persist—You will not leave it in the Power of your Enemies to hurt you. I am sure you have Friends who will think themselves happy if you do not put it out of their Power to serve you. Your Compliance can be no Benefit to our Sovereign, any further than as he interests himself in the Happiness of his Subjects. I am not thus importunate with you from any View to my private or personal Advantage, for, if I am faithful in the Discharge of my Trust, I shall have the same Approbation whether I am successful or not.—It is the Interest of the People only which is at Stake. By persisting in your Refusal you are most effectually dis-serving this Interest.—You are even rendering more difficult the Accomplishment of what you profess to desire and pursue.

Council-Chamber, Cambridge, **T. Hutchinson.**
25th July, 1770.

His Honor's Speech was read ; and then the House adjourn'd till Three o'Clock.

Post-Meridiem.

Benjamin Akin, Esq; return'd a Member from *Dartmouth*, in the Room of the Honorable *Walter Spooner*, Esq; elected one of His Majesty's Council, making his Appearance in the House,

Member re-
turn'd from
Dartmouth.

Ordered, That Capt. *Keen* attend on Mr. *Akin* to the Gentlemen appointed by Dedimus to administer the Oaths, &c.

Who returned that he had taken the Oaths, and subscribed the Declaration according to Act of Parliament ; and then Mr. *Akin* took his Seat in the House.

It was moved that the Question be put, *Whether this House do adhere to their Resolution in the last Session, viz. That it is by no Means expedient to proceed to Business while the General Assembly is constrained to hold the Session out of the Town of Boston ; and that a Committee be appointed to prepare an Answer to his Honor's Speech and acquaint him with what may be the Determination of the House ?*—After Debate, the further Consideration of this Motion was re-ferr'd 'till To-Morrow Ten o'Clock.

Then the House adjourn'd till To-Morrow Morning Ten o'Clock.

JOVIS, 26 Die Julii, A. D. 1770.

A Motion was made by Mr. *Hancock* that according to Order the Question be further considered, Whether this House do adhere to their Resolution in the last Session, viz. That it is by no Means expedient to proceed to Business, while the General Assembly is constrain'd to hold the Session out of the Town of *Boston* ?

Q

Boston? And after Debate thereon, the Question was put and pass'd unanimously in the Affirmative. Present 72 Members.

A Motion was then made for a Committee to prepare an Answer to the Speech of his Honor the Lieutenant Governor to both Houses at the opening of this Session, therein to acquaint his Honor, that this House do adhere to their former Resolution, viz. that it is by no Means expedient to proceed to Business, while the General Assembly is constrain'd to hold the Session out of the Town of Boston. And Mr. Speaker, Mr. *Hancock*, Mr. *Leonard*, Mr. *Samuel Adams*, Mr. *John Adams*, Capt. *Dennie*, and Major *Gallison*, were appointed a Committee accordingly.

Post-Meridiem.

Mr. Speaker from the Committee appointed in the Forenoon, acquainted the House that they were not ready to report, and desired Leave to sit again.

Ordered, That the Committee have leave to sit again.

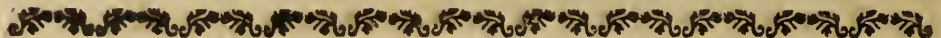
Then the House adjourn'd 'till To-Morrow Three o'Clock.

VENERIS 27 *Die Julii*, A. D. 1770.

THE House met and adjourn'd till To-Morrow Ten o'Clock.

SABBATI 28 *Die Julii*, A. D. 1770.

THE House met according to Adjournment, and further adjourn'd till Monday next at Ten o'Clock.





V O T E S

Of the Honorable House of Representatives.



LUNÆ 30 *Die Julii*, A. D. 1770.

THE Committee appointed to prepare an Answer to his Honor's Speech to both Houses, made Report.
 T Read and re-committed, and *Ordered*, That Major *Hawley* be of the Committee in the Room of Mr. *Leonard* who is absent.

Then the House adjourn'd till To-Morrow, Four o'Clock, P. M.

MARTIS, 31 *Die Julii*, A. D. 1770.

THE Committee to prepare an Answer to his Honor's Speech to both Houses, again made report. The said Report was several Times read, and then upon a Motion it was read and debated Paragraph by Paragraph, and unanimously accepted by the House, as follows :

May it please your Honor,

THE House of Representatives, having duly attended to your Speech to both Houses at the opening of this Session, and maturely considered the several Parts of it, have unanimously, in a full House, determined to adhere to their former Resolution, "that it is by no Means expedient to proceed to Business, while the General Assembly is thus constrain'd to hold the Session out of the Town of Boston." Upon a Recollection of the Reasons we have before given for this Measure, we conceive it will appear to all the World, that neither the good People of this Province, nor the House of Representatives, can be justly charg'd with any ill Consequences that may follow it. After the most attentive and repeated Examination of your Speech, we find nothing to induce us

Answer to his
Honor's Speech

to alter our Opinion, and very little that is new and material in the Controversy : But as we perceive it is publish'd, it may possibly be read by some who have never seen the Reasons of the House ; and as there are specious Things contained in it, which may have a Tendency to make an unhappy Impression on some Minds, we have thought proper to make a few Observations upon it.

You are pleas'd to say, " you meet us at Cambridge, because you have no Reason to think there has been any Alteration in his Majesty's Pleasure, which you doubt not was determin'd by wise Motives, and with a gracious Purpose to promote the Good of the Province." We presume not to call in Question the Wisdom of our Sovereign or the rectitude of his Intentions : But there have been times, when a corrupt and profligate Administration have ventured upon such Measures, as have had a direct Tendency to ruin the Interest of the People, as well as that of their Royal Master.

This House have great Reason to doubt, whether it is, or ever was his Majesty's Pleasure that your Honor should meet the Assembly at Cambridge, or that he has ever taken the Matter under his Royal Consideration : Because, the common and the best Evidence in such Cases, is not communicated to us.

It is needless for us to add any Thing to what has been heretofore said, upon the Illegality of holding the Court any where except in the Town of Boston : For admitting the Power to be in the Governor to hold the Court in any other Place when the public Good requires it ; yet, it by no Means follows, that he has a right to call it in any other Place, when it is to the manifest Injury and Detriment of the Publick.

The Opinion of the Attorney and Solicitor General has very little weight with this House in any Case, any further than the Reasons which they expressly give are convincing. This Province has suffered so much by unjust, groundless and illegal Opinions of those Officers of the Crown, that our Veneration or Reverence for their Opinions is much abated. We utterly deny that the Attorney and Solicitor General have any Authority or Jurisdiction over us ; any Right to decide Questions in Controversy between the several Branches of the Legislature here : Nor do we concede, that even his Majesty in Council has any constitutional Authority to decide such Questions, or any other Controversy whatever that arises in this Province, excepting only such Matters as are reserved in the Charter. It seems a great Absurdity, that when a Dispute arises between the Governor and the House, the Governor should appeal to his Majesty in Council to decide it : Would it not be as reasonable for the House to appeal to the Body of their Constituents to decide it ? Whenever a Dispute has arisen within the Realm, between the Crown and the two Houses of Parliament, or either of them, was it ever imagin'd that the King in his Privy Council had Authority to decide it ? However there is a Test, a Standard common to all, we mean the public Good. But your Honor must be very sensible that the Illegality of holding the Court in any other Place beside the Town of
Boston,

Boston, is far from being the only Dispute between your Honor and this House : We contend, that the People and their Representatives, have a Right to withstand the abusive Exercise of a legal and constitutional Prerogative of the Crown. We beg Leave to recite to your Honor what the great Mr. Lock has advanc'd in his Treatise of civil Government, upon the like Prerogative of the Crown. " The old Question, says he, will be asked in this Matter of Prerogative, who shall be Judge when this Power is made a right Use of?" And he answers, " Between an executive Power in being with such a Prerogative, and a Legislative that depends upon his Will for their conveni^{ng}, there can be no Judge upon Earth, as there can be none between the Legislative and the People, should either the Executive or Legislative, when they have got the Power in their Hands, design or go about to enslave or destroy them. The People have no other Remedy in this, as in all other Cases, where they have no Judge on Earth, but to appeal to Heaven. For the Rulers, in such Attempts, exercising a Power the People never put into their Hands (who can never be supposed to consent that any Body should rule over them for their Harm) do that which they have not a Right to do. And when the Body of the People or any single Man is deprived of their Right, or under the Exercise of a Power without Right, and have no Appeal on Earth, then they have a Liberty to appeal to Heaven whenever they judge the Cause of sufficient Moment. And therefore, though the People cannot be Judge, so as to have by the Constitution of that Society any superior Power to determine and give effective Sentence in the Case ; yet they have by a Law antecedent and paramount to all positive Laws of Men, reserv'd that ultimate Determination to themselves which belongs to all Mankind where there lies no Appeal on Earth, viz. to judge whether they have just Cause to make their appeal to Heaven." We would however by no Means be understood to suggest, that this People have Occasion at present to proceed to such Extremity.

Your Honor is pleased to say, " that the House of Representatives in the Year 1728, did not think the Form of the Writ sufficient to justify them in refusing to do Business at Salem." It is true they did not by any Vote or Resolve determine not to do Business: Yet the House, as we read in your Honor's History, " met and adjourn'd from Day to Day without doing Business ;" and we find by the Records, that from the 31st of October 1728, to the 14th of December following the House did meet and adjourn without doing Business ; and then they voted to proceed to the public and necessary Affairs of the Province, " provided no Advantage be had or made, for and by reason of the aforesaid Removal (meaning the Removal to Salem) or pleaded as a Precedent for the future." Yet your Honor has been pleased to quote the Conduct of that very House, as a Precedent for *our* Imitation. We apprehend their proceeding to Business, and the Consequences of it, viz. the Encouragement it gave to Governor Burnet to go on with his De-

sign of harassing them into unconstitutional Compliances, and the Use your Honor now makes of it as an Authority and a Precedent, ought to be a Warning to this House to make a determined and effectual Stand. Their Example, tho' respectable, is not obligatory upon this House.—They lived in Times, when the Encroachments of Despotism were in their Infancy.—They were carried to Salem by the meer Caprice of Governor Burnet, who never pleaded an Instruction for doing this—an Instruction from a Ministry who had before treated them with unexampled Indignity—an Instruction which they were not *permitted* to see. They had no Reason to apprehend a fixed Design to alter the Seat of Government, to their great Inconvenience and the manifest Injury of the Province.

We are not dispos'd to dispute the Understanding, Integrity, Families and Estates of the Council, in 1728. We believe them to have been such, that if they were now upon the Stage they would see so many additional, and more weighty Reasons against proceeding to Business out of Boston, that they would fully approve of the Resolution of this House; as well as of what has been lately advanced by their Successors, who are also Gentlemen of Understanding, Integrity, Fortune and Family, in the following Words, "Governor Burnet's Conduct in convening the General Court out of Boston, cannot be deemed an acknowledged or constitutional Precedent, because, it was not founded on the only Reason on which the Prerogative of the Crown can be justly founded, the Good of the Community." We shall only add, that the Rights of the Province having been of late Years most severely attacked, has induced Gentlemen to examine the Constitution more thoro'ly, and has increased their Zeal in its Defence.

You are pleased "to adduce an Instance in 1754, in addition to that in 1747, which you say "makes it probable, that the House of Representatives rather chose that the Court should sit elsewhere, when a Committee was chosen to consider of and report a proper Place for a Court-House at a distance from Boston." We beg Leave here to observe, that both these are Instances of the House's interesting themselves in this Affair which your Honor now claims as a Prerogative: If the House were in no Case to have a Voice, or be regarded, in chusing a Place to hold the Court, how could they think of building a House in a Place, to which they never had been, and probably never would be called?

While the House have been from Time to Time, holding up to View, the great Inconveniencies and manifest Injuries resulting from the sitting of the Assembly at Cambridge, and praying a Removal to Boston; it is with Pain that they have heard your Honor, instead of pointing out any one good Purpose which can be answered by it, replying that your *Instructions* will not permit you to remove the Court to Boston. By a Royal Grant in the Charter, in favour of the Commons of this Province, the Governor has the sole Power of Adjourning, Proroguing and Dissolving the General Court: And the Wisdom of that Grant appears in this, that a Person residing in the Province, must be a more competent Judge, of the
fitness

fitness of the Time, and we may add, the Place of holding the Court, than any Person residing in *Great-Britain*. We do not deny, that there may be Instances when the Commander in Chief ought to obey the Royal Instructions : And should we also admit, that in ordinary Cases he ought to obey them, respecting the convening, holding, proroguing, adjourning and dissolving the General Court, notwithstanding that Grant ; yet we clearly hold, that whenever Instructions cannot be comply'd with, without injuring the People, they cease to be binding. Any other Supposition would involve this Absurdity in it, that a Substitute by Means of Instructions from his Principal, may have a greater Power than the Principal himself ; or in other Words, that a Representative of a King who can do no Wrong, by means of Instructions may obtain a Right to do Wrong : For that the Prerogative extends not to do any Injury, never has been and never can be denied. Therefore this House are clearly of Opinion, that your Honor is under no Obligation to hold the General Court at Cambridge, let your Instructions be conceived in Terms ever so peremptory, inasmuch, as it is inconvenient and injurious to the Province.—As to your Commission, it is certain, that no Clause contained in that, inconsistent with the Charter can be binding : To suppose, that when a Grant is made by Charter in Favour of the People, Instructions shall supercede that Grant, and oblige the Governor to act repugnant to it, is vacating the Charter at once, by the Breath of a Minister of State.

Your Honor thinks you may *safely* say, “there is not one of us, who if he was in your Station, would venture to depart from the Instructions.” As you had not the least shadow of Evidence to warrant this, we are sure you could not say it with *safety* : And we leave it with your Honor to determine, how far it is reconcilable with *Delicacy* to suggest it. In what Particulars the holding the General Court at Cambridge is injurious to us and the Province, has already been declared by the House, & must be too obvious to escape your Honor's Observation. Yet you are pleased to tell us, that “the Inconveniences can easily be removed, or are so inconsiderable that a very small public Benefit will outweigh them.”—That they are not inconsiderable every Day's experience convinces us ; nor are our Constituents insensible of them : But how they can be easily removed, we cannot conceive, unless by removing the Court to Boston : Can the public Offices and Records, to which we are under the Necessity of recurring, almost every Hour, with any Safety or Convenience to the Public be removed to Cambridge ? Will our Constituents consent to be at the Expence of erecting a proper House at Cambridge, for accommodating the General Court, especially, when they have no Assurance that the next Freak of a capricious Minister will not remove the Court to some other Place ? Is it possible to have that Communication with our Constituents, or to be benefitted by the Reasonings of the People without Doors here, as at Boston ? We cannot but flatter ourselves, that every judicious and impartial Person will allow, that the holding the General Court at Cambridge, is inconvenient and hurtful to the Province ; nor has
your

your Honor ever yet attempted to show a single Instance, in which the Province can be benefitted by it: No good Purpose which can be answered by it, has ever yet been suggested by any one to this House. And we have the utmost Confidence, that our most gracious Sovereign, has no desire to hold the General Court at any Place inconvenient to its Members, or injurious to the Province; but rather, that he will frown upon those, who have procured its removal to such a Place, or persist in holding it there.

We are not indeed sure, that the Ministry caused the Assembly to be removed to Cambridge, in order to worry them into a Compliance with any arbitrary Mandate, to the Ruin of our own, or our Constituents Liberties: But we know that the General Assembly has in Times past been treated with such Indignity and Abuse, by the Servants of the Crown, and a wicked Ministry may attempt it again.

Your Honor observes, that "the same Exception may be made to the Use of every other Part of the Prerogative, for every Part is capable of Abuse." We shall never except to the proper Use of the Prerogative.—We hold it sacred as the Liberty of the Subject. But every Abuse of it will always be excepted to, so long as the Love of Liberty, or any public Virtue remains. And whenever any other Part of the Prerogative shall be abused, the House will not fail to judge for themselves of the Grievance, nor to exert every Power with which the Constitution hath entrusted them to check the Abuse of it, and redress the Grievance.

The House had expressed to your Honor their Apprehension of a fix'd Design either to change the Seat of Government, or to harrafs us, in order to bring us into a Compliance with some arbitrary Mandate: Your Honor says, you know of no fixed Design to harrafs us, &c. Upon which we cannot but observe, that if you did not know of a fix'd Design to change the Seat of Government, you would not have omitted so fair an Opportunity to satisfy the Minds of the House in a Matter of such Importance to the Province. As to your very condescending and liberal Professions, of exercising Patience or using Dispatch, as would be most agreeable to us, we shall be very much obliged to your Honor, for the Exercise of those Virtues, whenever you shall see Cause to remove us to our ancient and established Seat: But these Professions can be no Temptations to us, to give up our Privileges.

Your Honor is pleased to say, "we consider the Charter as a Compact between the Crown and the People of this Province." And to ask a Question, "Shall one Party to the Compact be held, and not the other?" It is true, we consider the Charter as such a Compact, and agree that both Parties are held. The Crown covenants, that a Great and General Court shall be held, every last Wednesday in May forever: The Crown therefore, doubtless is bound by this Covenant. But we utterly deny, that the People have covenanted to grant Money, or to do Business, at least any other

other Business than chusing Officers and Counsellors to compleat the General Court, on the last Wednesday in May, or any other Day or Year whatever: Therefore this House, by refusing to do Business, do not deprive the Crown of the Exercise of the Prerogative, nor fail of performing their Part of the Compact.

Your Honor would doubtless have been culpable had you refused to call a General Court on the last Wednesday in May; and the House might have been equally culpable if they had refused to chuse a Speaker and Clerk, or to elect Counsellors, whereby to compleat the General Court; for in Case of Omission in either Part, a Question might arise, Whether the People would have a Legislative. When the General Assembly is thus formed, they are empowered by the Charter, to make, ordain and establish all Manner of wholesome and reasonable Orders, Laws, Statutes or Ordinances, Directions and Instructions, either with Penalties or without. But the Charter no where obliges the General Court, to make any Orders, Laws, Statutes or Ordinances, unless they at that Time judge it conducive to the public Good to make them: much less does it oblige them to make any Laws, &c. in any particular Session, Year or Number of Years, whenever they themselves shall judge them not to be for the public Good. Such an Obligation would not leave them the least Color of Freedom, but reduce them to a meer Machine; to the State the Parliament would have been in, if the Opinion of the two Chief Justices and the three Puisne Judges had prevailed in the Reign of Richard the Second, "That the King hath the Governance of Parliaments, and may appoint what shall be first handled, and so gradually what next, in all Matters to be treated of in Parliament, even to the End of the Parliament; and if any Persons shall act contrary to the King's Pleasure made known therein, they are to be punished as Traitors"—for which Opinion those five Judges had Judgment as in Case of High Treason. Your Honor will allow us to ask, Whether the Doctrine contained in your Question, viz. "If you should refuse to do Business now you are met, would you not deprive the Crown of the Exercise of the Prerogative, and fail of performing your Part of the Compact?" which implies a strong Affirmation, is not in a Degree the very Doctrine of Chief Justice Tresilian, and the four other Judges just now mention'd.—By convening in Obedience to his Majesty's Writ tested by your Honor, and again, at the Time which we are Prorogued, we fully have submitted to the Prerogative, and performed our Part of the Compact.

This House has the same inherent Rights in this Province, as the House of Commons has in Great-Britain. It is our Duty to procure a Redress of Grievances; and we may constitutionally refuse to grant our Constituents Monies to the Crown or to do any other Act of Government, at any given Time, that is not affixed by Charter to a certain Day, until the Grievances of the People are redress'd. We do not pretend that our Opinion is to prevail against his Majesty's Opinion; we never shall attempt to Adjourn or Prorogue or

Dissolve the General Court: But we do hope that our Opinion shall prevail against any Opinion whatever, of the proper Time, to make Laws and to do Business. And by exerting this Power which the Constitution has given us, we hope to convince your Honor and the Ministry, of the Necessity of removing the Court to Boston.

All judicious Men will allow that the proper Time for the House to do their Part of the Business of the Province, is for the House to judge of and determine—The House think it is not, in the present Circumstances of the Province, a proper Time, to do this Business, while the Court is constrain'd to hold their Session out of Boston. Your Honor is of a different Opinion.—We have conformed to this Opinion as far as the Constitution requires us, and now our Right of judging commences. If your Honor's or even his Majesty's Opinion concerning this Point is to prevail against the Opinion of the House, why may not the Crown according to the Tresilian Doctrine as well prescribe and require what Business we shall do, and in what Order.

The House are still ready to answer for all the ill Consequences which can be justly attributed to them; nor are they sensible of any Danger, from exerting the Power which the Charter has given them of doing their Part of the Business in their own Time.—That the Province has Enemies who are continually defaming it and their Charter, is certain; that there are Persons who are endeavouring to intimidate the Province from asserting and vindicating their just Rights and Liberties by Insinuations of Danger to the Constitution, is also indisputable.—But no Instance happened, even in the execrable Reign of the worst of the Stuart Race, of a Forfeiture of a Charter, because any one Branch of a Legislative, or even because the whole Government under that Charter, refused to do Business, at a particular Time, under grievous Circumstances of Ignominy, Disgrace and Insult; and when their Charter had explicitly given to that Government the sole Power of judging of the proper Season and Occasion of doing Business. We are obliged at this Time, to struggle with all the Powers with which the Constitution has furnished us, in Defence of our Rights; to prevent the most valuable of our Liberties from being wrested from us, by the subtle Machinations and daring Encroachments of wicked Ministers. We have seen of late innumerable Encroachments on our Charter: Courts of Admiralty, extended from the high Seas, where by the Compact in the Charter they are confined, to numberless important Causes upon Land: Multitudes of Civil Officers, the Appointment of all which is by Charter confined to the Governor and Council, sent here from abroad by the Ministry: A Revenue, not granted by us, but torn from us: Armies stationed here without our Consent; and the Streets of our Metropolis *crimson'd* with the Blood of our Fellow Subjects.—These, and other Grievances and Cruelties, too many to be here enumerated and too Melancholy to be much longer borne by this injured People, we have seen brought upon us, by the Devices of Ministers of State—We have seen and heard of late, Instruc-

tions

tions to Governors, which threaten to destroy all the remaining Privileges of our Charter.—In June 1768 the House by an Instruction were ordered to rescind an excellent Resolution of a former House, on Pain of Dissolution ; they refused to comply with so impudent a Mandate, and were Dissolved : And the Governor, though repeatedly requested, and although the Exigencies of the Province demanded a General Assembly, refused to call a new one, until the following May.—In the last Year, the General Court was forced to give Way to regular Troops, illegally Quartered in the Town of Boston, in consequence of Instructions to Crown Officers ; and whose Main Guard was most daringly and insultingly placed at the Door of the State House : And afterwards they were constrained to hold their Session at Cambridge.—The present Year, the Assembly is summoned to meet, and is still continued there in a kind of Quasi, without any Reason that can be given—any Motive whatever, that is not as great an Insult to them and Breach of their Privilege, as any of the foregoing.—Are these Things consistent with the Freedom of the House ; or, could the General Court's tamely submitting to such Usage, be thought to promote his Majesty's Service !—Should these Struggles of the House prove unfortunate and ineffectual, this Province will submit, with pious Resignation, to the Will of Providence ; but it will be a Kind of Suicide of which we have the utmost Horror thus to be made the Instruments of our own Servitude.

We beg leave before we conclude to make one remark on what you say, that “ our Compliance can be no *benefit* to our Sovereign, any further than as he interests himself in the Happiness of his Subjects.”

We are apprehensive, that the World may take this for an Insinuation very much to our Dishonour ; As if the benefit of our Sovereign is a Motive in our Minds against a Compliance. But as this Imputation would be extremely unjust, so we hope it was not Intended by your Honor.—We are obliged however, in Justice to ourselves and Constituents to declare, that if we had reason to believe that a Compliance would be any, the least Benefit to our Sovereign, it would be a very powerful Argument with us—But we are on the contrary fully persuaded, that a Compliance at present would be very injurious and detrimental to his Majesty's Service.

Ordered, That the foregoing Message be taken into a fair Draft, and that Mr. *Hancock*, Capt. *Heath*, Major *Read*, Capt. *Thayer*, Col. *Gerrish*, Major *Doan*, and Mr. *Hobson*, be a Committee to carry the same to his Honor the Lieutenant Governor.

Then the House adjourn'd till To-Morrow Morning Ten o'Clock.

MERCURI, *Die 1 Augusti*, A. D. 1770.

A Fair Copy of the Message of this House to his Honor the Lieutenant Governor, passed Yesterday, was laid on the Table according to Order. And the Committee appointed waited on his Honor, and reported that they had deliver'd the Message.

Upon a Motion made, *Ordered*, That Mr. *Samuel Adams*, Capt. *Fuller*, Mr. *Gardner* of *Stow*, Mr. *Pickering* and Mr. *Phillips*, be a Committee to wait on the honorable Board, and acquaint them, that this House have sent up to the Lieutenant Governor an Answer to his Honor's Speech to both Houses: That if the Board please it will be read, and that a fair Copy of the same will be made, and laid before them as soon as may be.

Who reported that the Board had adjourn'd.

Then the House adjourn'd till To-Morrow Morning Ten o'Clock.

JOVIS, 2 *Die Augusti*, A. D. 1770.

THE Committee appointed Yesterday, waited on the honorable Board according to Order, and reported that they had delivered the Message.

Post-Meridiem.

The House adjourn'd till To-Morrow Morning Ten o' Clock.

VENERIS 3 *Die Augusti*, A. D. 1770.

UPON a Motion, *Ordered*, That Mr. *Hancock*, Capt. *Thayer*, Mr. *Pickering*, Capt. *Fuller* and Capt. *Sumner*, carry up to the honorable Board the Copy of the Answer of this House to his Honor's Speech to both Houses at the Opening of this Session: And that they also deliver to the Board the following Message, viz.

May it please the Honorable Board,

THE House of Representatives have thought it their incumbent Duty, in Faithfulness to the Country, to make an Answer, on their Part, to his Honor's Speech to both Houses, at the Opening of this Session. We have it much at Heart to cultivate a good Harmony between the two Houses; and therefore have thought proper to communicate to the honorable Board our Sentiments, as contained in said Answer, upon a Subject that deeply impresses our Minds: That the honorable Board may, if they please, take the same under Consideration, and act thereon as to them shall seem meet.

The

The said Committee reported that they had carried up the Answer, and deliver'd the Message according to the Order of the House.

A Message from his Honor the Lieutenant Governor by Mr. Secretary, viz.

Gentlemen of the House of Representatives,

YOU have sent me a Message in which you profess to make a few Observations upon some specious Things contained in my Speech to the Council and House, which you say, may have a Tendency to make an unhappy Impression upon some Minds.

I shall make some general Remarks upon your Message, not from any Expectation of prevailing with you at this Time to alter Resolutions which you have come into but, from a Desire to convince the good People you represent, that your Reasons for refusing to do Business are very insufficient.

You make a Doubt whether it is or ever was his Majesty's Pleasure that the Court should meet at Cambridge. I have no Doubt of it. You give this Reason for your Doubt, that my Orders are not communicated to you. I know it to be his Majesty's Pleasure that I should not communicate them, and the Restraint I am under appears to me to be founded upon wise Reasons. You speak of Times when there has been a corrupt and profligate Administration—of daring Encroachments of wicked Ministers—of devices of Ministers of State, and you suppose Instructions to Governors to be Acts of Ministers and not of the King ; particularly you call an Instruction in June 1768, an *impudent* Mandate. It may not be presumed that you would have done this, if you had known it to be an Order from his Majesty. I wish, however, that you had spared this coarse and indecent Epithet.

I cannot help observing to you that you have no sufficient Grounds to suppose Instructions to be the Acts of the Minister and not the King. I know of no Ministerial Mandate or Instructions. The Affairs of America, and of this Province in particular, are become too serious to escape his Majesty's immediate Attention, and your Message which I am now answering, will be laid before his Majesty immediately upon it's being received by his Secretary of State, who, by Virtue of his Office, has free Access, and who receives the Signification of his Majesty's Pleasure, and will give no Directions but such as he knows to be agreeable thereto, and every Order from the Secretary of State must be supposed to come mediately from the Crown, and ought not to be treated with Indignity and Contempt.

The freedom you have used with the Characters of the Attorneys and Solicitors General will I fear, likewise bring Dishonor upon you. Those Offices, for more than Fifty Years past in almost every Instance, have been filled with Persons of the highest Reputation for Learning and Integrity, and many of them have been advanced

T

to

to the first Stations in the Courts of Law and Equity, which are and have been for Ages past the Ornament and Glory of the English Nation.

Although you do not think the Report of an Attorney and Solicitor General, in the Case in Dispute between us, nor the Confirmation of such Report by the King in Council to be any Authority for you, yet I must govern myself thereby until I have better Reasons against it than any you have given in your Message.

Your Quotation from Mr. Locke, detached as it is from the rest of the Treatise, cannot be applied to your Case. I know of no Attempts to enslave or destroy you, and, as you very prudently would not be understood to suggest that this People have Occasion at present to proceed to such Extremity as to appeal to Heaven, I am at a loss to conceive for what good Purpose you adduce it.

You find nothing in your Records which does not agree with what I have said of the Proceedings of the House at Salem in Governor Burnet's Administration, nor did I cite the Instance for any other Purpose than to shew that they were very careful, to avoid a Resolution which you, as I think, too suddenly came into, nor does my speaking respectfully of the Council of that Day, lessen the Council of the present Day who, although they have discovered a Desire in their Messages to me, that the Court should be removed to Boston, yet they declare that they have never refused to do Business at Cambridge, and I have now no Doubt that if you had done your Part of the public Business they would have joined and done their Part also.

From the Appointment of a Committee by the House, in 1754, to consider of a proper Place to build another Court-House, you infer that the House was to have a Voice in determining the Place where the Court should meet. You are very sensible that a Vote for building a Court-House which incurs Expence upon the People must by the Constitution, originate with the House of Representatives. If one or divers other Court Houses, besides that in Boston, had been built, the Governor's Right to call the Court to which he pleased or to any other Place remained inviolate : the Votes of the Representatives for building a Court House notwithstanding.

You then proceed to call in Question my Obligation or Right to observe my Instructions. And you say, that by a Royal Grant in the Charter *in Favour of the Commons* of the Province the Governor has the *sole* Power of adjourning, proroguing and dissolving the General Court, and you think, it discovers the Wisdom of the Grant because a Person residing in the Province is a more competent Judge of the Fitness of the Time and Place of holding the Court than any Person residing in Great-Britain, and a Grant thus made *in favour of the People*, cannot be superseded by Instructions without vacating the Charter by the Breath of a Minister of State.

Your making use of the Word *sole*, instead of *full*, the Word in the Charter, must proceed from Inattention. I must observe to you that many Cases may happen to make it necessary to alter the Place of holding

holding the Court which a Person in Great-Britain may as well judge of as one who is upon the Spot and, perhaps the present Case is such an one. But where you find that the Power of adjourning, proroguing and dissolving the Court was granted to the Governor *in favour to the Commons* I am utterly at a Loss. The Charter is undoubtedly a Royal Grant in Favour to the People of the Province of every Order. They were at the Time of the Grant living in the Colony, under a Form of Government which would not admit of an Adjournment, Prorogation or Dissolution of the General Court, without the Act or Consent of the Council and Representatives. They were soliciting by their Agents a Confirmation of their Privileges. The King determines that, for the future, the Governor should have the full or *sole* Power, if you chuse it, of adjourning, proroguing and dissolving the General Court. Is not it very extraordinary that the House of Representatives should now assert that depriving them of a share in this Power, and confining it to the Governor alone was a grant *in Favour of the Commons*? The Governor, under the old Form, had no Negative in any Case, but now no Acts of Council or Assembly are valid to which he denies his Consent: May it not with equal Reason be said that this Power was also reserved to the Governor *in favour of the Commons*? It is very certain that unless it be so, there will be no supporting the Doctrine, that the Crown has divested it's self of it's Right of controuling the Governor.

You are sensible that this can hardly be supported, for you allow that, in some Cases, Instructions may be binding, and you do not seem very averse from admitting that in ordinary Cases, notwithstanding this singular Grant *in favour of the Commons*, that the Commander in Chief ought to obey Instructions respecting the convening and holding the Court, but you are clear that, when they cannot be complied with without injuring the People, they cease to be binding, otherwise the Representative of a King who can do no Wrong by Means of Instructions may obtain a Right to do Wrong.

I am not contending, Gentlemen, for a Right to do Wrong, and I am very willing to understand the Maxim, that the King can do no wrong, in the commonly received Sense of it, that his Servants alone shall be punished for the wrong they do and not avail themselves of a royal order or instruction for their justification, and if I was convinced that removing the Court from Boston was an Encroachment upon your natural or constitutional Rights, I would not urge my Commission or Instructions to justify the doing it; but I must make my own Reason and Judgment my Rule and not yours, and until I am convinced of the Encroachment, must conform to my Instructions.

You think I ought not to have deemed the Inconveniencies of your Sitting out of Boston inconsiderable, or that they can easily be removed, and you ask me if the public Offices and Records can with any Safety or Convenience be removed to Cambridge? I think the Expence of one or two Days Wages of the Members would have removed all that are necessary to Cambridge, and kept them
there

there with Safety and Convenience the whole Session, and, if we may judge from the Sessions at Concord, you would do your Business with so much greater Dispatch at Cambridge than at Boston as to shorten this Session more than two Days. You ask whether I think your Constituents would be at the Expence of building a Court-House at Cambridge? I am not certain what their present Disposition is, but I know there is no Necessity of it: You have the Use of a very commodious Room without any Inconvenience to the College, in this Time of Vacation, and, if you think the Benefit which the Students receive by attending your Debates is not equal to what they may gain in their Studies, they may easily be restrained, and then your Sitting in the College will be little or no Inconvenience at any other Time. You add—Is it possible to have that Communication with our Constituents, or to be benefitted by the Reasoning of the People *without Doors* in Cambridge as at Boston? In whatever Town the Court shall sit, the Representatives of that Town must have Opportunity beyond the rest of the House for consulting their Constituents: The consulting of a transient Person passing through any Town cannot afford any great Advantage, nor ought, constitutionally, the Opinion of such Persons to have any Influence upon your Votes and Determinations, for, if I have any just Idea of a House of Representatives, in the English Constitution, you are sent by your Constituents to assemble together that they may have the Benefit of your Reasoning *within Doors*, and not the Reasoning of any particular Town or Person *without Doors*.

Because, when I told you I knew of no fixed Design to harraßs you, I did not add, nor to change the Seat of Government, you determine that I am privy to such a Design, but I am not. If there be any such Design I think your proceeding to Business at this Time would have the best Tendency of any Thing in your Power to cause it to be laid aside.

You allow that the Charter is a Compact, and that both parties are held, but you say the People never covenanted to grant Money, or to do any Business except chusing Officers and Councillors to compleat the General Court, on any Day or Year whatsoever. I never said they did. I have never had the least Dispute with you except upon the *Place* of your Meeting. The *Time*, there has been no Exception to. It has been a Matter of Indifference to me personally. I have endeavoured to find out when it would be most convenient for you, that I might oblige you; and the Business of the Court I have left to you to arrange and act upon when and in what Order you thought proper.

In my Speech to you I ask you, if you had refused to meet or should refuse to do Business now you are met would you not deprive the Crown of the Exercise of the Prerogative and fail of performing your part of the Compact? Without the least Color for it, you make a forced unnatural construction of my Words and determine that I am directing the several Parts of the Business you shall do and the Time of doing them, and that I hold the Doctrine of Tresilian in degree “ that the King hath the Government of Parliament,

liament, and may appoint what shall be first handled and so gradually what next in all Matters to be treated of in Parliament, even to the End of Parliament, and if any Person shall act contrary to the King's Pleasure made known therein, they are to be punished as Traitors." I have ever treated your Messages with the utmost Fairness. I have passed over in Silence many Passages in them extremely exceptionable and, in return, you have wrested my Expressions to a Sense in which no Man alive could suppose I intended them. Had Tresilian advanced no more than I have done he would never have met with any Blame. Had he only asserted that the King by Virtue of his Prerogative had a Right to assemble the Parliament at such Time and Place as he thought proper, and that if the Commons should refuse to assemble or to do the necessary Business of the Kingdom, when they were assembled, they would, upon the Principles of the English Constitution, fail of performing what was incumbent on them; he would never have been called in Question for his Doctrine; and yet this is all I have said to you. I am willing to attribute this injurious Treatment to Inadvertence in the Body of the House, by their passing upon so long and important a Message and which the Committee took so many Days to prepare, with so little Debate after it was reported.

After all your Objections, you tell me that you did convene in Obedience to his Majesty's Writ—that you met again at the Time to which you stood prorogued—that you conformed to my Opinion so far as the Constitution requires you—and now your Right of judging commences. Consider then how the Case now stands. You are held by the Constitution to convene at Time and Place appointed, but you are under no Obligations to do any Business, except at such Times as you think proper, and, if you do not like the *Place*, you will exercise your Right and determine it is not a proper *Time*. Can any Thing render the Prerogative more futile? Let me ask you whether if your Agents when they were soliciting the Charter, had been held to say, how far they acknowledged his Majesty's Prerogative to convene the Court at such Time and Place as he thought proper, and they had replied that they acknowledged it with this Reserve, that the House of Representatives should be at Liberty to refuse to do Business until the Court should be removed to such Place as they thought proper, you imagine the Charter would have passed the Seals. Neither your more thorough Examination of the Constitution, nor your extraordinary Zeal for its Defence, of which you speak, can alter the original Frame and Intention.

Your main Reserve, if it could be admitted, that whensoever the Prerogative shall be exercised in a Manner not for the publick Good, of which you are to be Judges, it ceases to be a Prerogative, is unanswerable. In all Controversies as soon as one Party is allowed to be the sole Judge, the Knot is cut, and there must be an End of Strife. But to this I spake fully at opening the Session.

You are still ready "to answer for all the ill Consequences which can justly be attributed to you". The Damages may be irreparable, and it may be out of your Power to compensate them. The people

ple will then see what was their real Interest, but they will see it too late.

I cannot omit taking Notice of a Remark at the Close of your Message upon an Observation I made that "your Compliance could be no Benefit to his Majesty". I had no other Intention than to express my Sense that the People *solely* can be affected by your Refusal to do Business. You had no Room to suppose that I intended by it to set you in an unfavourable Light as disaffected to his Majesty, and so induced to a Non-compliance with his royal Pleasure.

The remaining Parts of your Message having no immediate Relation to this Controversy, but respecting Matters which concern the Colonies in general, and the Authority of the supreme Legislature, upon which in Language very much the same the House of Representatives have repeatedly enlarged, which has from Time to Time been transmitted to be laid before his Majesty, I will make no Reply to them, for I have no Inclination to multiply Controversies with you; and those Subjects have been so fully discussed that it is not probable you or I shall be able to cast any new Light upon them.

I called you together that you might further consider upon what by the Constitution, as appeared to me, it was your Duty to do, and to give you an Opportunity of doing it. You came, very soon, to a Resolution to do no Business. If you had stopped there, I should have prorogued you without much Delay; for I have no Intention to compel you to any Measure *by Duress*, nor to cause any unnecessary Charge upon the People, but you appointed a Committee to answer my Speech, which Answer I did not receive until the eighth Day after the Meeting of the Court. I have taken one Day only for my Reply, and shall now order a further Prorogation. It will be happy for the Province if when you again assemble, you can join with me in what is necessary for it's real Interest.

Council-Chamber,
3d August, 1770.

T. Hutchinson.

Then the Secretary said, "It is Honor's Pleasure that this Great and General Court be Prorogued to the 5th Day of *September* next, then to meet at Harvard College in Cambridge, and it is now Prorogu'd accordingly."





A
JOURNAL
Of the Honorable House of
REPRESENTATIVES.

At a Great and General Court or Assembly of his Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and held at *Harvard-College* in *Cambridge*, in the County of *Middlesex*, on Wednesday the Thirtieth Day of *May*, being the last Wednesday of said Month, *Anno Domini*, 1770, and from thence continued by Prorogations to Wednesday the Twenty-sixth Day of *September* following, and then met at *Harvard-College* in *Cambridge*, being the Third Sessions of said Court.

HARVARD-COLLEGE, in CAMBRIDGE,

MERCURI, *Die* 26 *Septembris*, A. D. 1770.



QUORUM of the House met ; and his Honor the Lieutenant-Governor not being in the Chair, adjourn- ed 'till Three o'Clock, P. M.

Quorum of the House met.

Post-Meridiem.

The House met, and further adjourn'd till To-Morrow Morning Ten o'Clock.

JOVIS, 27 Die Septembris, A. D. 1770.

✱✱✱ IT was mov'd that a Committee be appointed to wait on his Honor the Lieutenant Governor, and acquaint him that a Quorum of the House are met in the Chapel, and that the House are desirous that his Honor would please to remove the General Assembly to its ancient and legal Seat the Town-House in Boston: And Mr. Hancock, Major Gallison, Capt. Darbey, Col. Warren and Mr. Gardner were appointed accordingly.

Mr. Hancock from said Committee reported that they had delivered the Message.

Message from
His Honor.

Mr. Secretary Oliver brought down a Message from his Honor the Lieutenant-Governor.

Mr. SPEAKER,

His Honor the Lieutenant-Governor is now in the Chair, and directs the Attendance of this honorable House in the Council Chamber.

The House attended in the Philosophy Room, and his Honor was pleased to deliver a Speech to both Houses, of which the Speaker obtain'd a Copy, and return'd with the House to the Chapel.

His Honor's Speech was read, and is as follows, viz.

Gentlemen of the Council, and

His Honor's
Speech.

Gentlemen of the House of Representatives,

IT is now become, in several Respects, more necessary for the General Court to proceed upon the Business of the Province, than it was when I met you in your two last Sessions. Many of our Laws, which have been of great Utility, are expired, some for the Punishment of criminal Offences, others which affect the Course of our judicial Proceedings, and the People call for the Revival of them. There are other Affairs depending of a very interesting Nature, which had not then come to our Knowledge, and which may be determined before we can have another Opportunity of acting upon them. The Council thought it not adviseable for me to prorogue the Court to a further Time. Their Opinion and Advice, which always have Weight with me, induced me to call you together rather sooner than I had before intended.

Pursuant to my Instructions, and the established Practice, I caused the Acts and Doings of the General Court at the Session in March last, to be transmitted to England by the first Opportunity. Particular Notice has been taken of a Grant made in that Session to a Number of Persons who had settled upon Lands in the Eastern Part of the Province, and, it appearing that other Persons had also began Settlements Eastward of *Sagadahock*, some under Colour of Grants from the General Court, notwithstanding that by the express Terms of the Charter such Grants are of no Force, Validity or Effect, untill approved by the Crown; others without any Colour of Grant or Title whatsoever, these Settlements are deemed of great Importance in

in various Lights, but in none more so than in that of the Encouragement they have given to the Waste and Destruction of the King's Timber, which is a Matter of the most serious Consideration in Respect of the Naval Strength of the Kingdom. It is made my Duty to inform you, that, as the Remedy for this great Mischief ought properly and can only effectually come from the Province within whose Jurisdiction the Lands lye, it is expected all Trespassers should be prosecuted : And I am further to inform you, that the neglecting to exert every legal Means to remove and prevent all unwarrantable Intrusions will be imputed as a Default for which the Province will stand responsible. From a Sense of my Duty to the King, and from Regard to the Interest of the Province, I must desire you to take this Affair into your Consideration, and do what is necessary on your Part. I will assist and concur with you to the utmost of my Power.

Gentlemen of the House of Representatives,

In order to conform to the Laws of the Province, and to maintain the public Faith, it was necessary the Treasurer should issue his Warrants, for the Assessment of the whole Province Debt, in the current Year. If these Warrants have not been so far executed as to render any Alteration impracticable, and you shall be of Opinion that the Burden will be too great for the People to bear, I am willing to consent to an Act for affording the necessary Relief, by easing the present Year of Part of this Tax, and charging the same Sum upon a future Year.

A State of the Treasury will be laid before you, by which it will appear that a Supply will be necessary. Some Appropriations are quite exhausted.

His Majesty having thought fit to order that the Garrison of Castle-William, in the Pay of the Province, should be withdrawn, and that this Fortress should be garrisoned by his Majesty's Regular Forces, I am prevented from desiring you to make the usual Establishment. The last Establishment expired the 20th Day of June last. I know you did not expect I should then dismiss the Officers and Men. I must now desire you to continue their Pay and Subsistence from the Expiration of the Establishment ; and, as they are discharged at a Season of the Year when it will be difficult for them to find Employ, I could wish that the Continuance might extend, at least, to the Twentieth of November, the usual Time of making up the Roll. It is no more than Justice to the Garrison to say they have behaved well, and have some Claim to Favour.

The Establishment for Fort Pownall being also expired, I must recommend to you to provide for the Revival & Continuance of it.

Gentlemen of the Council, and House of Representatives.

As the Affairs which lye before you are of great Moment and deserve your serious and mature Deliberation, so they must take up
much

much Time. It is therefore more necessary that you should begin without Delay, and should proceed with all Diligence. I wish there may be a good Harmony in the Legislature, and that we may unite in such Measures as our common Interest, the Interest of the Province, requires of us.

Council-Chamber,
27th September, 1770.

T. Hutchinson.

Ordered, That the Consideration of his Honor's Speech be refer'd to the Afternoon, Three o'Clock.

Post-Meridieum.

His Honor's Speech to both Houses was read again, and it was moved that a Committee be appointed to take the same into Consideration, and report to the House what may be proper to be done.

Whereupon Mr. Speaker, Mr. *Samuel Adams*, Major *Foster*, Mr. *Denny*, Mr. *John Adams*, Mr. *Hancock*, Major *Godfrey*, Col. *Warren* and Mr. *Hobson* were appointed a Committee accordingly.

Then the House adjourn'd 'till To-Morrow Three o'Clock, P. M.

VENERIS 28 Die Septembris, A. D. 1770.

Post-Meridieum.

MR. Speaker, from the Committee appointed to consider his Honor's Speech, reported as their unanimous Opinion, That it is for the Interest of the Province, that this House still adhere to their former Resolution, viz. That it is by no Means expedient to proceed to the public Business.

Read and *Ordered*, That the Consideration of this Report be refer'd to Wednesday next, at Ten o'Clock. And the Members were enjoin'd then to attend.

Upon a Motion, *Ordered*, That an Express be sent to the absent Members of this House, to require their Attendance on Wednesday next.

Member re-
turn'd for
Barnstable.

Daniel Davis, Esq; returned a Member for *Barnstable*, in the Room of the honorable *James Otis*, Esq; now a Member of his Majesty's Council, made his Appearance in the House;

Ordered, That Capt. *Thomas* attend him to the Gentlemen appointed to administer the Oaths, &c.

Who reported that Mr. *Davis* had taken the Oaths, and subscribed the Declaration required by Act of Parliament; and then he took his Seat.

Then the House adjourn'd till To-Morrow Morning Eight o'Clock.

SABBATI

SABBATI 29 Die Septembris, A. D. 1770.

It was moved that Wednesday next be set apart and observed by the two Houses as a Day of solemn Prayer and Humiliation ; and that a Committee be appointed to bring in a Resolve for that Purpose, to be sent up to the honorable Board for their Concurrence therein. Whereupon Mr. *Hobson*, Mr. *Billings* and Mr. *Gardner* of *Cambridge* were appointed.

Mr. *Hobson* from said Committee made Report.

Read and accepted, and Resolved, That Wednesday next be observed and kept by the two Houses as a Day of Prayer ; and that Mr. *Gardner* of *Cambridge*, and Capt. *Heath*, with such as the honorable Board may join, be a Committee to wait upon the Rev. Mr. *Appleton*, and the Rev. Mr. *Cook*, desiring them to officiate upon this Occasion.

Sent up for Concurrence.

William Brattle, Esq; came down from the honorable Board to acquaint the House that they had unanimously concur'd the Resolve for setting apart Wednesday next as a Day of Prayer ; and to desire that this House would not adjourn immediately, the honorable Board having a Matter to communicate to the House.

Vote of Council bro't down.

Isaac Royall, Esq; bro't down the following Vote of Council, viz.

In Council September 28, 1770.

Upon a Motion made and seconded, the Question was put, *Whether it be the Opinion of the Board, that it is necessary an Agent be appointed to appear for the Province in Great-Britain ?*

Answered unanimously in the Affirmative.

And whereas the present critical Situation of the public Affairs in Great-Britain, wherein the Province may be more immediately concerned, is of such a Nature and Importance, as to require that some Person of Fidelity and Abilities, and of a thorough Acquaintance with the Constitution and Circumstances of this Province, be appointed and authorized in their Name and Behalf, there to appear, plead and defend, as the Exigency of Affairs may require :

Therefore Voted, That this Board will be ready, as soon as the honorable House shall judge convenient, to join with them in the Choice of an Agent, for the Purposes mentioned.

Read, and Ordered to lie on the Table.

Then the House adjourn'd till Tuesday next, Eleven o'Clock,

Handwritten text at the top of the page, possibly a title or header.

Handwritten text in the upper middle section of the page.

Main body of handwritten text, consisting of several paragraphs.

Handwritten text at the bottom of the page, possibly a signature or footer.




V O T E S

Of the Honorable House of Representatives.




MARTIS, 2 *Die Octobris*, A. D. 1770.

 R. Gardner from the Committee appointed on Saturday last, reported that the Rev. Mr. *Appleton*, and the Rev. Mr. *Cooke*, would join with the two Houses in solemn Prayer and Humiliation To-morrow, and officiate agreeable to the Request of this House.

Upon a Motion, *Ordered*, That the Consideration of the Report of the Committee appointed to consider his Honor's Speech to both Houses, be further referr'd to Thursday next at Ten o'Clock.


Then the House adjourn'd 'till To-morrow Morning Nine o'Clock.

MERCURII, *Die 3 Octobris*, A. D. 1770.

 R. Gardner from the Committee appointed to request of the Proprietors of the Meeting-House in *Cambridge*, the Use of the same, for the Purpose of carrying on the religious Exercises of this Day, reported that the said Meeting-House will be opened accordingly.

Then the House adjourn'd 'till To-morrow Morning Ten o'Clock.

JOVIS, 4 *Die Octobris*, A. D. 1770.

 OSES Marcy, Esq; returned a Member from *Sturbridge*, making his first Appearance in the House,

Member re-
turn'd for
Sturbridge.

Ordered, That Major *Davis* attend him to the Gentlemen appointed to administer the Oaths, &c.

Who reported that Col. *Marcy* had taken the Oaths, and subscribed the Declaration required by Act of Parliament; and then he took his Seat.

John

Member re-
turn'd for
Rutland.

John Murray, Esq; returned a Member from *Rutland*, making his first Appearance in the House,

Ordered, That Brigadier *Preble* attend him to the Gentlemen appointed to administer the Oaths, &c.

Who reported that Col. *Murray* had taken the Oaths, and subscribed the Declaration required by Act of Parliament, and then he took his Seat.

Committee to
prepare a Mes-
sage to his
Honor.

The Report of the Committee on his Honor's Speech was taken into Consideration according to Order, and after Debate, it was moved, that a Committee be appointed to prepare a Message to his Honor the Lieutenant Governor, praying that he would be pleased to explain that Part of his Speech, where it is said that "there are other Matters of a very interesting Nature, which had not then come to our Knowledge, and which may be determined before we may have another Opportunity of acting upon them": And also to desire his Honor would inform the House whether he has received any late Instruction respecting the Continuance of this Assembly out of the Town-House in *Boston*. And Mr. *Hancock*, Mr. *John Adams*, Mr. *David Ingersol*, Mr. *Samuel Adams* and Capt. *Fuller* were appointed accordingly.

Post-Meridiem.

Mr. *Hancock* from the Committee appointed in the Forenoon to prepare a Message to his Honor the Lieutenant Governor, made Report.

Read and accepted, and *Resolved*, That the following Message be sent up to his Honor the Lieutenant-Governor, viz.

May it please your Honor,

Message to his
Honor.

THE House of Representatives having taken into Consideration your Speech to both Houses at the Opening of this Session, beg Leave to request your Honor to explain a Part of it which is express'd in such Terms as leave it uncertain in its true Intent and Meaning.—The Passage referr'd to, is that wherein you say, "There are other Affairs of a very interesting Nature which had not then come to our Knowledge, and which may be determin'd before we can have another Opportunity of acting upon them." No such Matters have come to the Knowledge of this House; If they have been communicated to your Honor from his Majesty or his Ministers, we desire you would be pleased to lay them before us, that we may have a precise Understanding of what your Honor intends; the want of which prevents our coming at present to any Determination on your Speech.

The House are also very desirous that your Honor would inform them, whether you have receiv'd any late Instructions, agreeable to your Expectation express'd in your Message to this House of the First of June last, relating to the Continuance of this Assembly out of its ancient, legal and only convenient Place the Town-House in *Boston*. Sent

Sent up by Mr. Hancock, Mr. Pickering, Capt. Heath, Mr. Wood of Boxford, and Capt. Thayer.

A Message from his Honor the Lieutenant-Governor, by Mr. Secretary, viz.

Gentlemen of the House of Representatives,

I AM not at Liberty to make public or communicate to you by Speech or Message an Order of his Majesty in Council of the 6th of July last, but it appears to me that in Consequence thereof the State of the Province of Massachusetts Bay will undoubtedly be recommended to the Consideration of Parliament in the approaching Session. This is the principal Matter of Moment to which my Speech at the Opening of the Session of the General Court had Respect. Although I am not at Liberty to lay this Order before you, yet I am very ready to give all the Information in my Power to any Committee you may think proper of the Facts and Ground upon which this Order is founded, so far as shall consist with my Instructions.

Message from
His Honor.

His Majesty has been pleased to cause to be expressed his entire Approbation of my summoning the Court to meet at Cambridge. I am restrained from removing it to Boston, but I am not confined to the Town of Cambridge. I am willing to meet the Court at any Town in the Province which shall appear to me to be most for the Convenience of the Members, and which shall not militate with the Spirit of my Instructions.

Cambridge, 4th October;
1770:

T. Hutchinson.

Read and Ordered, That this Message be taken into Consideration To-morrow at Nine o'Clock.

Ordered, That the further Consideration of the Report of the Committee on his Honor's Speech, be refer'd till To-morrow Ten o'Clock.

Then the House adjourn'd 'till To-Morrow Morning Nine o'Clock.

VENERIS 5 Die Octobris, A. D. 1770.

*** HIS Honor's Message to this House of Yesterday, was taken
H into Consideration according to Order.

*** It was mov'd that a Committee of the whole House wait on his Honor the Lieutenant Governor, and pray that he would be pleased to communicate to this House the Grounds and Facts upon which his Majesty's Order of the 6th of July last, to which his Honor refers in his Message of Yesterday, is founded. And the Question being put, Passed in the Negative.

Whereupon Col. Murray, Col. Gerrish, Mr. John Adams, Brigadier Prebble, and Mr. Samuel Adams, were appointed a Committee further to consider the Message, and report what may be proper to be done.

Y

Post

Post-Meridiem.

Col. *Murray* from the Committee appointed in the Forenoon to consider his Honor's Message of Yesterday, reported to the House as their *unanimous* Opinion, That his Honor's said Message does not afford that Light which the House requested in their Message to him ; and that it appears to them from his Honor's Message, that he was restrained by *Instruction*, from communicating the same to the House in a Parliamentary Manner.

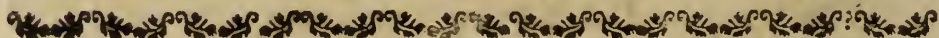
Read and accepted, and *Ordered*, That Mr. *John Adams*, Mr. *Samuel Adams*, Mr. *Hancock*, Mr. *David Ingersol* and Mr. *Bullen*, be a Committee to prepare an Address and Remonstrance accordingly.

The House took into further Consideration the Report of the Committee on his Honor's Speech, and the Question being put, *Whether the same be accepted?* It pass'd in the Negative.

It was then moved that the Question be put, *Whether this House will proceed to the public Business in the Town of Cambridge?*

Whereupon it was mov'd, and *Ordered*, That a Committee be appointed to prepare a Resolve to the following Purpose, *viz.* That it is from absolute Necessity only, that the House proceed to Business ; and also to prepare a Protest to be entered on the Journal of the House, against the Constraint they are under to hold the Session out of the Town-House in *Boston*. And Mr. *Wood* of *Boxford*, Mr. *Hancock*, Brigadier *Prebble*, Mr. *Samuel Adams*, and Major *Reed* of *Marblehead*, were appointed accordingly.

Then the House adjourn'd till Monday next, Three o'Clock, P. M.





VOTES

Of the Honorable House of Representatives.



LUNÆ 8 Die Octobris, A. D. 1770.

Post-Meridiem.

R. Wood from the Committee appointed on Friday last to prepare a Resolve and Protest, made Report.
M Read, and after Debate, re-committed.

Then the House adjourn'd till To-morrow Morning Nine o'Clock.

MARTIS, 9 Die Octobris, A. D. 1770.

THE Committee to prepare a Resolve and Protest, again reported.
Read, and after Debate, referr'd for further Consideration till Three o'Clock this Afternoon.

Post-Meridiem.

The House again took into Consideration the Report of the Committee referr'd in the Forenoon ; and after further Debate, it was moved that the following Paragraph in said Report be accepted by this House, viz.

Whereas it appears to this House, that the Province labors under new, additional and insupportable Grievances ; the Redress of which calls for the immediate Exertion of the Powers invested by the Constitution in the General Assembly :

Therefore, *Resolved*, That the House now proceed to the public Business only from absolute Necessity ; and in Order to enquire into the State of the Province, and radically to redress Grievances : *Protesting* against the Restraint the General Assembly is held under to proceed to Business out of the Town-House in Boston.

Whereupon it was mov'd, and *Ordered*, That the Question be decided by Yeas and Nays.

Then

Then the Question was put, *Whether this House do now come into the following Resolution? viz.*

Whereas it appears to this House, that the Province labors under new, additional and insupportable Grievances; the Redress of which calls for the immediate Exertion of the Powers invested by the Constitution in the General Assembly:

Therefore, *Resolved*, That the House now proceed to the public Business only from absolute Necessity; and in Order to enquire into the State of the Province, and radically to redress Grievances: *Protesting* against the Restraint the General Assembly is held under to proceed to Business out of the Town-House in *Boston*.

Pass'd in the Affirmative, by a Division of 59. to 29.

Y E A S.

Mr. Samuel How
Mr. Benjamin Wadsworth
Ebenezer Thayer, jun. Esq;
Mr. Joshua Hearsy
Nathaniel Sumner, Esq;
Capt. Ebenezer Kingsbury
Mr. Hezekiah Gay
Joshua Clap, Esq;
Capt. Richard Darbey, jun.
Mr. John Pickering, jun.
Dr. Samuel Holton
Mr. Ebenezer Burrill
Samuel Phillips, Esq;
Capt. Henry Herrick
Mr. Samuel Bachellor
Nathaniel Allen, Esq;
Aaron Wood, Esq;
Mr. Thomas Gardner
Mr. Oliver Richardson
Abraham Fuller, Esq;
Samuel Bancroft, Esq;
William Stickney, Esq;
William Reed, Esq;
Mr. Simeon Spaulding
John Noyes, Esq;
Capt. Ebenezer Harnden
Mr. Abraham Bigelow
Mr. Benjamin Hall
Capt. Jonas Dix
Henry Gardner, Esq;

N A Y S.

Mr. Samuel Adams
John Hancock, Esq;
Capt. William Heath
Mr. Moses Bullen
Mr. Jabez Fisher

Y E A S.

Mr. John Dickenson
Mr. John Ingersoll
Mr. William Billing
Mr. Gideon Vinal
Capt. John Wadsworth
Capt. Edward Mitchell
Mr. Samuel Sprague
Josiah Keen, Esq;
Capt. Robert Bradford
Daniel Davis, Esq;
Mr. Stephen Nye
David Thacher, Esq;
Mr. Benjamin Freeman
Capt. Joseph Barney
Dr. George Wheaton
Elnathan Walker, Esq;
Capt. Thomas Durfee
Thomas Bragdon, Esq;
Mr. Thomas Cooke
Mr. Edward Rawson
Edward Davis, Esq;
Capt. Henry King
John Murray, Esq;
Edward Hartwell, Esq;
Mr. Ezekiel Wood
Moses Marcy, Esq;
Jedediah Prebble, Esq;
David Ingersoll, jun. Esq;
Capt. Isaac Searl.

N A Y S.

Capt. Benjamin White
Capt. Jonathan Adams
Capt. Michael Farley
Joseph Gerrish, Esq;
Jonathan Greenleaf, Esq;

Richard

Richard Reed, Esq;
Humphrey Hobson, Esq;
Caleb Cushing, Esq;
Capt. Samuel Smith
Mr. John Remington
Capt. James Barret
Capt. Joseph Mellen
James Prescott, Esq;
Joseph Hawley, Esq;
Capt. Anthony Thomas

Capt. Woodbridge Brown
Capt. Joseph Robinson
Mr. John Dagget
Mr. Joshua Bigelow
Capt. Asa Whitcomb
Mr. Thomas Dennie
Capt. Stephen Maynard
Mr. Ruggles Spooner
Mr. Ephraim Shearman.

It was then moved that a Committee be appointed to bring in the Reasons upon which this House have come into a Resolution now to proceed to the public Business out of the Town-House in *Boston*. And Capt. *Fuller*, Mr. *Ingersol* of *Great-Barrington*, Dr. *Holton*, Mr. *Gardner* of *Stow*, Mr. *Pickering*, Mr. *Hearsay*, and Mr. *Wood* of *Boxford*, were accordingly appointed.

The Clerk of the House, for Reasons offered, had Leave of Absence To-Morrow.

Then the House adjourn'd 'till To-morrow Morning Nine o'Clock.

MERCURI, Die 10 Octobris, M. D. 1770.

***UPON a Motion, Ordered, That a Precept be issued to the Town of *Almsbury*, for the Choice of a Representative, in the Room of Capt. *Barnard*, deceas'd. Precept issued to *Almsbury*.

Upon a Motion, Ordered, That Mr. *Gardner* of *Cambridge*, Mr. *Hobson* and Capt. *Brown*, be a Committee to acquaint the Rev. Mr. *Appleton* that it is the Desire of this House that he would officiate as Chaplain; during the present Session.

Upon a Motion, Ordered, That Mr. *Samuel Adams*, Capt. *Derby* and Capt. *Dix*, prepare Rules and Orders to be observed by this House, and report.

The Committee appointed Yesterday to state the Reasons upon which this House have resolved to proceed to the public Business, made report.

Read and recommitted. And the Committee instructed to prepare a Protest against the Constraint the General Assembly is under to hold the Session out of the Town of *Boston*. And that the Committee appointed on Friday last for this Purpose, together with Major *Hawley* and Col. *Worthington*, be added to the Committee:

Post-Meridiem.

Resolved, That this House will proceed to Business, the Committee appointed in the Forenoon to state the Reasons, &c. not having reported, notwithstanding.

Z

Upon

Committee for
a Bill to revive
expired Laws.

Upon a Motion, *Ordered*, That Capt. *Fuller*, Capt. *Fisher* and Mr. *Phillips*, be a Committee to prepare a Bill for the reviving and continuing such Laws as are expired or near expiring, and report.

Committee for
a Tax-Bill.

Upon a Motion, *Ordered*, That Major *Hawley*, Col. *Worthington*, Capt. *Heath*, Capt. *Barret* and Mr. *Batchelor*, be a Committee to consider what may be proper to be done to prevent the whole of the Debt of the Province being assess'd upon the Inhabitants the present Year : And also to consider what Sum is necessary to be rais'd by a Tax, and report.

It was mov'd that a Time be now assign'd to consider the Expediency of an Excise on Spiritous Liquors. And the Question being put, pass'd in the Negative.

Committee for
an Impost Bill.

Upon a Motion, *Ordered*, That Mr. *Gardner* of *Stow*, Capt. *Darbey* and Brigadier *Prebble*, prepare an Impost Bill, and lay the same on the Table.

Upon a Motion, *Resolved*, That this House will proceed to no Business but of a public Nature.

Upon a Motion, *Ordered*, That Mr. Speaker, Mr. *Hancock*, Brigadier *Prebble*, Col. *Gerrish*, and Capt. *Farley*, be a Committee to enquire into the State of the Stores at Castle-William, consider what may be proper to be done, and report.

Then the House adjourn'd till To-Morrow Morning Nine o'Clock.

JOVIS, 11 Die Octobris, A. D. 1770.

Committee on
County Treasurers Account

UPON a Motion, *Ordered*, That Col. *Gerrish*, Mr. *Wood* of *Boxford*, Mr. *Gardner* of *Stow*, Mr. *Greenleaf* and Mr. *Danielson*, be a Committee to examine the Accounts of the Treasurers of the several Counties, and report.

Committee for
a Fee Bill.

Upon a Motion, *Ordered*, That Major *Read* of *Marblehead*, Mr. *Remington*, Dr. *Wheaten*, Mr. *Rawson* and Major *Davis*, prepare a Bill for regulating the Fees of the several Officers in the Province, and report.

It was mov'd that a Committee be appointed to prepare a Bill for the Regulation of the Indian Trade, and report. And Capt. *Brown*, Brigadier *Prebble* and Mr. *Billings* were appointed accordingly.

Upon a Motion, *Ordered*, That Capt. *Thayer*, Col. *Prescot*, and Brigadier *Prebble*, be a Committee to consider of a proper Establishment for Forts and Garrisons, and report.

Monitors.

Upon a Motion, *Ordered*, That Capt. *Fuller*, Mr. *Wood* of *Boxford*, Capt. *Darbey*, Capt. *Thomas* and Capt. *Dix*, be the Monitors of this House.

Bill read.

Mr. *Gardner* from the Committee to prepare an Impost Bill, reported a Bill for granting to his Majesty several Rates & Duties of Impost and Tonnage of Shipping.

Read the first Time, and recommitted for Amendment.

Mr.

Mr. *Samuel Adams* from the Committee appointed to prepare Rules and Orders for the House the present Year, made report.

Read and accepted, and *Resolved*, That the same be established for the Regulation of the House the present Year—And they were accordingly taken into a fair Draft, and laid on the Table.

Upon a Motion, *Ordered*, That the District of *Mansfield*, and the District of *Cohasset*, be furnished with a Set of the Laws of this Province.

Sent up for Concurrence.

Post-Meridiem.

Ordered, That the Treasurer be directed to attend this House.

The Bill for granting to his Majesty several Rates & Duties of *Impost and Tonnage of Shipping*. Bills read.

Read and *Ordered*, That the Bill be read again To-Morrow, at Ten o'Clock.

Mr. *Ingersol* of *Great-Barrington*, mov'd the House for a Committee to prepare a Bill for empowering Town-Clerks to record Deeds. And upon the Question being put, it pass'd in the Negative by a Division of 55 to 27.

The Committee to prepare a Fee-Bill, reported

A Bill for establishing and regulating the Fees of the several Officers within this Province.

Read the first Time, and *Ordered*, That the Bill be read again To-Morrow at Eleven o'Clock.

Then the House adjourn'd 'till To-morrow Morning Nine o'Clock.

VENERIS 12 Die Octobris, A. D. 1770.

*** Petition of the Rev. *Samuel Stillman*, and others, a Committee of a Convention of Antipædobaptists, representing the Difficulties they in general labour under, and particularly their Brethren in the Town of *Ashfield*. Petition of Samuel Stillman

Read and *Ordered*, That Major *Hawley*, Mr. *Dennie*, Col. *Worthington*, Mr. *Ingersol* of *Great-Barrington*, and Col. *Murray*, consider the Petition, and report what may be proper to be done thereon.

A Bill for granting to his Majesty several Rates' and Duties of *Impost and Tonnage of Shipping*. Bill read.

Read the second Time. *Ordered*, That this Bill have the third Reading To-Morrow at Ten o'Clock.

Walter Spooner, Esq; brought down the following Vote of Council, viz. In Council October 12, 1770. Vote of Council bro't down.

On a Motion, *Ordered*, That *William Brattle*, *James Otis* and *James Humphrey*, Esqrs; with such as the honorable House shall join, be a Committee to consider the Laws that are expired or near expiring, and prepare and bring in a Bill for the Revival of such of them as shall be proper to be revived; and that they also consider what Laws are proper to be made perpetual, and report their Opinion thereon. Sent down for Concurrence. Read

Read and concurr'd, and Mr. *Ingersol* of *Great-Barrington*, Capt. *Fuller*, Mr. *Phillips* and Capt. *Fisher* are joined with the Committee of the honorable Board. Sent up for Concurrence.

Upon a Motion, *Ordered*, That Mr. *Remington* and Mr. *Ingersol* be added to the Committee on the County Treasurers Accounts.

The Treasurer and Receiver-General came into the House, and laid his Accounts on the Table.

Treasurer directed.

Upon a Motion, *Ordered*, That the Treasurer be directed to lay before this House, a State of outstanding Debts, and the several Appropriations.

Then the House adjourn'd 'till To-Morrow Morning Ten o'Clock.

SABBATI 13 *Die Octobris*, A. D. 1770.

***THE Committee appointed the 10th Instant to enquire into
 T the State of the Stores at Castle-William, and consider what
 *** might be proper to be done thereon, reported.

Read and accepted, and *Ordered*, That Mr. *Hancock*, Mr. *Samuel Adams*, Col. *Warren*, Brigadier *Prebble*, and Mr. *David Ingersol*, present to his Honor the Lieutenant Governor the following Message, viz.

May it please your Honor,

Message to his Honor.

IN your Speech to both Houses at the Opening of the Session, you was pleas'd to say, that his Majesty had thought fit to order the Garrison of Castle-William in the Pay of the Province to be withdrawn, and the Fortrefs to be garrisoned by his regular Forces.

Your Honor must be assured, from a thorough Knowledge of this People, that they are inferior to none of his Majesty's Subjects in Loyalty and Warmth of Affection to his Majesty's Person, Family and Government. We have Reason therefore to believe, that very false Representations have been made of them to our Sovereign, to induce him to pass an Order, which implies a total want of Confidence, and carries in it the evident Marks of his Royal Displeasure. If you are knowing to any such Representations, we have a Right to expect that you will communicate them to us; and thereby give us the Opportunity of taking the most effectual Measures, to clear up our own and our Constituents Innocence, and recover his Majesty's Favor. This Request must appear to your Honor so reasonable in itself, and so important to us, that it cannot be denied: For it is repugnant to the common Principles of natural Justice, that we should remain under such injurious Representations, without being made acquainted with the Crimes that are alledged against us.

By the Royal Charter it is expressly granted, established and ordained, that the Governor of the Province for the Time being, "shall have full Power from Time to Time—to erect Forts, and
 to

to fortify any Place or Places within the Province, and the same to furnish with all necessary Ammunition, Provision and Stores of War, for Offence or Defence, and to commit from Time to Time the Custody and Government of the same to such Person or Persons as *to him shall seem meet.*" We beg your Honor would be pleased to inform us, Whether you still hold the Command of that important Fortrefs? You tell us in your Speech, that you are prevented from desiring us to make the usual Establishment: From hence we have Grounds to apprehend, that the Power vested in you by the Charter is superceded by Instruction. If the Custody and Government of that Fortrefs, is now lodged with the Military Power, independent of the supreme civil Magistrate within this Jurisdiction, it is so essential an Alteration of the Constitution, as must justly alarm a free People. We cannot therefore but be very earnestly solicitous of being clearly and explicitly made acquainted, with the full Import of the aforementioned Order, as well as the Grounds and Facts upon which it is founded.

Brigadier *Prebble*, from the Committee to consider of a proper Establishment for Forts and Garrisons, reported.

Read, and *Ordered* to lie on the Table.

John Bradbury, Esq; came down from the honorable Board to enquire whether this House have any Thing to send up. Message to and from the Board.

Ordered, That Mr. *Ingersol* go up to the honorable Board, and acquaint them that this House have nothing to send up this Forenoon. Who returned that he had delivered the Message.

A Bill for granting to his Majesty several Rates and Duties of Impost and Tonnage of Shipping.

Read the third Time, and pass'd to be engross'd.

Then the House adjourn'd till Monday next, Three o'Clock, P. M.

Handwritten text at the top of the page, possibly a title or header.

Handwritten text, likely the beginning of a paragraph.

Handwritten text, continuing the paragraph.

Handwritten text, continuing the paragraph.

Handwritten text, continuing the paragraph.

Handwritten text, continuing the paragraph.

Handwritten text, continuing the paragraph.

Handwritten text, continuing the paragraph.

Handwritten text, continuing the paragraph.

Handwritten text, continuing the paragraph.

Handwritten text, continuing the paragraph.

Handwritten text, continuing the paragraph.

Handwritten text, continuing the paragraph.

Handwritten text, continuing the paragraph.

Handwritten text at the bottom of the page, possibly a signature or footer.

V O T E S

Of the Honorable House of Representatives.

LUNÆ 15 Die Octobris, A. D. 1770.

Post-Meridiem.

THE House met, and adjourn'd 'till To-Morrow Morning
Nine o'Clock.

MARTIS, 16 Die Octobris, A. D. 1770.

THE Committee to consider the County Treasurer's Accounts, made report on the Account of the Treasurer for the County of Plymouth.

Report on Plymouth County Treasurer's Account.

Read and accepted.

And whereas it appears upon Examination of said Account, that all the Monies granted and allowed by the Court of General Sessions of the Peace for said County, for the Year 1769, were for such Purposes and Appropriations as the Law empowered the said Court to grant and allow :

Therefore, Resolved That the said Account be allowed.

Sent up for Concurrence.

The Treasurer according to Order, laid on the Table a State of the Debts of the Province, and of Appropriations.

Upon a Motion, Ordered, That Mr. Hancock, Col. Murray, Major Read, Capt. Dix and Mr. Hobson, carry up the Impost Bill to the Council Board.

The House was mov'd to appoint a Committee to consider the State of the Province : Whereupon Mr. Speaker, Mr. Samuel Adams, Major Hawley, Mr. John Adams, Mr. Hancock, Col. Worthington, Mr. Pickering, Col. Warren and Col. Whitcomb, were appointed accordingly.

Committee to consider the State of the Province.

Col. Warren mov'd to the House, that the Members who were absent at the Time when the Resolution pass'd to proceed to Business
out

out of the Town-House in *Boston*, might have Leave to declare their Opinion thereon in the House. And the Question being put, it pass'd in the Affirmative.

Whereupon Col. *Warren* and Mr. *John Adams*, who had been absent, declared their Opinions against the Resolution.

Commissary-
General arrest-
ed.

Upon a Motion, *Ordered*, That the honorable *Thomas Hubbard*, Esq; late Commissary General, be directed to lay his Accounts upon the Table.

Mr. *Hubbard* laid his Accounts on the Table accordingly; and Col. *Murray*, Mr. *Gardner* of *Stow*, Major *Read*, Major *Hartwell* and Mr. *Oliver* were appointed a Committee to examine the same, and report.

Ordered, That Mr. *Sumner*, Mr. *Dennie*, Capt. *Thayer*, Capt. *Heath* and Capt. *Kingsbury*, examine the Accounts of the Treasurer and Receiver-General, and report.

It was mov'd that a Committee be appointed to take into Consideration all the Laws relating to the Limitation of Actions, reduce them to one Bill, and report. Whereupon Mr. *John Adams*, Col. *Worthington* and Major *Hawley* were appointed.

Upon a Motion, *Resolved*, That the Vote of the 10th Instant be reconsidered; and that this House will proceed to the Consideration of Matters of a private Nature that may properly come before them during this Session.

Petition of
Joseph Blake.

A Petition of *Joseph Blake*, of *Rutland*, in Behalf of *Jacob Lanfın*, praying that the Judge of Probate for the County of *Worcester*, may be empowered further to receive the Claims to the Estate of *Isaac Thomas*, late of *Hardwick*, deceas'd, for Reasons in the Petition mentioned.

Read and *Ordered*, That Major *Foster*, Mr. *Batchelor* and Mr. *Sprague*, consider the Petition and report.

The House was mov'd that his Honor the Lieutenant Governor be address'd, praying that he would be pleas'd to appoint a Day of solemn Prayer and Humiliation to be observ'd throughout this Province. And the Reasons for the Motion being offered to the House,

Ordered, That Mr. *John Adams*, Mr. *Danielson* and Col. *Warren*, be a Committee to prepare an Address accordingly:

Post-Meridiem.

Upon a Motion, *Ordered*, That Mr. *Pickering*, Capt. *White*, Major *Foster*, Capt. *Brown* and Mr. *Dennie*, be a Committee to consider such Petitions as may be brought in, praying for Liberty to make Sale of Lands.

Petition of
J. Whittemore.

A Petition of *Jeremiah Whittemore* of *Spencer*, Administrator on the Estate of *Isaac Whittemore*, deceas'd, praying for Liberty to sell certain Lands.

Read and *Ordered*, That the Committee appointed to consider the Petitions for the Sale of Lands, consider this Petition and report.

It was mov'd that the House now take into Consideration the Sum proper to be rais'd by Way of Tax on Polls and Estates the present

present Year. And after Debate thereon, *Ordered*, That the Sum of *Twenty-five Thousand Pounds* be rais'd.

Upon a Motion, *Ordered*, That the Treasurer be directed to call in the Outstanding Debts.

It was mov'd that a Committee be appointed to bring in a Tax Bill ; and Mr. *Pickering*, Mr. *Gardner* of *Stow*, Mr. *Billing*, Capt. *Darby* and Mr. *Rawson*, were appointed accordingly. Committee for a Tax Bill.

Then the House adjourn'd 'till To-morrow Morning Nine o'Clock.

MERCURI, Die 17 Octobris, A. D. 1770.

***THE Committee on the Petition of *Joseph Blake*, entered Report on Petition of Joseph Blake.
 *** Yesterday, reported.

*** Read and accepted, and *Resolved*, That the Prayer be granted, and that the Judge of Probate for the County of *Worcester*, be and is hereby empowered and directed to lengthen out the Time for receiving the Claims on the Estate of the said *Isaac Thomas*, for the Space of two Months ; and the Petitioner is hereby allow'd to enter his Claim, and shall be entitled to such Privileges in any future Dividend of said Estate, as he ought by Law to receive.

Sent up for Concurrence.

The Committee on the County Treasurers Accounts, made Report on the Account of the Treasurer for the County of *Suffolk*. Report on Suffolk County Treasurer's Accounts.

Read and accepted ; and whereas upon Examination of said Account, it appears that all the Monies granted and allowed by the Court of General Sessions of the Peace for said County, for the Year 1769, were granted for such Purposes and Appropriations as the Law empower'd said Court to grant and allow ; therefore,

Ordered, That the said Account be allow'd.

Sent up for Concurrence.

Jeremiah Powell, Esq; brought down the Report of the Committee of both Houses appointed to build a Light-House in *Plymouth Harbour*. Signed *Gamaliel Bradford*, per Order, and laid it on the Table.

A Message from his Honor the Lieutenant Governor by the Secretary.

Gentlemen of the House of Representatives,

I AM not privy to any false Representations which might induce his Majesty's Order, to which you refer in your Message to me, Message from His Honor. and which you suppose to imply a total want of Confidence, and to carry in it evident Marks of the Royal Displeasure. I am, nevertheless, ready to do every Thing in my Power to enable you to take the most effectual Measures to clear up your own and your Constituents Innocence, and to recover His Majesty's Favour.

B b

It

It is my Duty to acquaint His Majesty's principal Secretary of State for America with all such public Transactions as are worthy of his Majesty's Notice. In the beginning of May last, I enclosed a Copy of the Answer of the House of Representatives to my Message of the 7th of April preceding. I did it without any Comment, as I promised I would do. Soon after I forwarded a printed Paper containing the Instructions of the Town of Boston to their Representatives. That Message and those Instructions without any other Representation, I have sufficient Reason to believe, were the immediate Occasion of his Majesty's Orders to me to withdraw from the Castle the Garrison in the Pay of the Province, and to place there a Garrison of his Majesty's Regular Forces.

You recite in your Message, which I am now answering, a Paragraph of the Charter with which I am well acquainted, and which I kept in my Mind during the whole Transaction relative to the Exchange of the Garrison at his Majesty's Castle, and you then ask me whether I still hold the Command of that important Fortrefs? And, because I am prevented from desiring you to make the usual Establishment, you infer that you have Grounds to apprehend that the Power vested in me by Charter is superseded by Instruction. This Expression is somewhat equivocal. If you mean no more than that I have been instructed by his Majesty how to use that Military Authority which is given me by Charter and by the Royal Commission, your Inference is right, and such Instructions I shall always observe; but if you intend that, by withdrawing a Garrison from his Majesty's Castle which was paid by the Province, and placing a Garrison there to be paid by the King in Pursuance of Instructions received from him, I have divested myself of the Right given me by Charter over this in common with other Forts in the Province, you have no Grounds for your Inference. I have not, in this Instance given up any Part of your Charter Rights. I never intend to do it in any other Instance. On the other Hand you may expect that I will preserve every Part of the King's Prerogative.

I will take this Occasion to observe to you that, as the Ammunition and Stores of War lodged in the Castle for his Majesty's Service were purchased and intended for the general Defence of the Province, as well as for the Use of that particular Fortrefs, I think it necessary either to continue the Person who had the immediate Charge of those Stores or to appoint some other Person Storekeeper to issue all Stores by my Warrants or Order, and to be accountable to me. I must also retain another of the Officers of the former Garrison to receive all Passes for outward bound Vessels, and to make Weekly Return to me of all Vessels both outward and inward bound. This is so necessary a Provision for preventing the Breach of the Acts of Trade that I dare not, upon any Consideration, omit it. I must therefore recommend to you to make a proper Establishment for these two Officers, until I may have Opportunity of receiving a further Signification of his Majesty's Pleasure concerning this Garrison.

Cambridge,
16th October, 1770.

T. Hutchinson.

Read

Read and *Ordered*, That this Message be considered at Three o'Clock Afternoon.

James Otis, Esq; came down to inquire whether this House have pass'd upon a Message of the Council Board relative to an Agent. Message to and from the House.

Ordered, That Mr. *Hancock* go up to the honorable Board to acquaint them that this House have not yet pass'd upon the Message. Who reported that he had deliver'd the Message.

Post-Meridiem.

His Honor's Message of this Forenoon was read again according to Order. And thereupon *Ordered*, That Mr. *Samuel Adams*, Mr. *John Adams*, Col. *Warren*, Mr. *Hancock* and Col. *Prescot*, be a Committee to prepare another Message to his Honor, humbly to request a more explicit Answer to the Message of this House of the 15th Instant.

Artemas Ward, Esq; brought down a Bill relative to Executors of Wills, and Administrators. Bill read.

Pass'd in Council, viz. In Council, *October 10, 1770.*

Read a first Time. *October 17.* Read a second Time, and pass'd to be engross'd. Sent down for Concurrence. Petition of Japheth Bicknal bro't down.

Artemas Ward, Esq; brought down the Petition of *Japheth Bicknal*, enter'd the 20th *June 1768.*

Pass'd in Council, viz. In Council, *October 17, 1770.*

Ordered, That the Petition be reviv'd, and that *Samuel Dexter*, Esq; with such as the honorable House shall join, be a Committee to take the same under Consideration, together with the Answer of *Thomas Cobb*, and report. Sent down for Concurrence.

Read and concur'd, and Mr. *Akin* and Capt. *Keen* are joined to the Committee of the honorable Board. Sent up for Concurrence.

Artemas Ward, Esq; brought down the Petition of *David Ingersol*, with an Answer. Petition of D. Ingersol bro't down.

Pass'd in Council, viz. In Council, *October 17, 1770.*

Ordered, That the Petition be reviv'd, and that *Thomas Sanders*, Esq; with such as the honorable House shall join, be a Committee to take the same under Consideration and report.

Sent down for Concurrence. Read and concur'd, and Major *Gallison* and Capt. *Thomas* are joined.

Sent up for Concurrence.

A Petition of *Joseph Buckminster*, Esq; in Behalf of the Town of *Frammingham*, praying that an Assessment ordered to be levied on said Town to make good the Deficiency of a late Constable may be remitted. Petition of J. Buckminster, Esq;

Read, and the Petitioner had Leave to withdraw this Petition.

The Committee appointed to prepare a Message to his Honor the Lieutenant Governor, praying that he would be pleas'd to appoint a Day of Prayer and Humiliation, made Report.

Read and recommitted.

Ordered,

Ordered, That Dr. *Holton* be of the Committee in the Room of Mr. *John Adams*, excus'd.

Then the House adjourn'd till To-Morrow Morning Nine o'Clock.

JOVIS, 18 *Die Octobris*, A. D. 1770.

Petition of
R. Wheaton
bro't down.

✱✱✱ *ALTER* *Spooner*, Esq; brought down the Petition of
✱W✱ *Robert Wheaton*.

Pass'd in Council, viz. In Council, *October* 18, 1770.

Ordered, That this Petition be reviv'd, and that *Artemas Ward*, Esq; with such as the honorable House shall join, be a Committee to take the same into Consideration, and report.

Sent down for Concurrence. Read and concur'd, and Capt. *Clap* and Capt. *Thayer* are join'd.

Petition of
John Bolton.

A Petition of *John Bolton*, of *Bernardston*, Guardian to *William McDowel*, praying for Liberty to sell Lands.

Read and committed to the Committee for the Sale of Lands. 1

Upon a Motion, Ordered, That the Town of *Worthington* be furnish'd with a Set of the Province Laws.

Sent up for Concurrence.

Committee for
a Supply-Bill.

Upon a Motion, Ordered, That Capt. *Sumner*, Mr. *Hobson*, Mr. *Phillips*, Col. *Marcy* and Major *Gallison*, be a Committee to prepare and bring in a Supply Bill.

Post-Meridien.

Petition of
Noah Sprague.

A Petition of Mr. *Noah Sprague*, and others, a Committee of the Town of *Rochester*, praying that a Law may be passed to secure to the said Town the Benefit of their Labour in opening a Passage from *Snaptick-Pond*, so called, to the Sea.

Read and Ordered, That Capt. *Mitchel*, Col. *Cushing* and Capt. *Bragdon*, consider this Petition and report.

Petition of
Jos. Frye, Esq;

A Petition of *Joseph Fry*, Esq; praying to be empowered to retail Spirituous Liquors in the Township of *Frytown*.

Petition of
Han. Punchard

A Petition of *Hannah Punchard*, and others, Executors of the last Will of *John Punchard*, deceased, praying for Liberty to sell a Dwelling House mention'd in the Petition.

Read and Ordered, That the Committee for the Sale of Lands consider this Petition and report.

Then the House adjourn'd 'till To-Morrow Morning Ten o'Clock.

VENERIS 19 *Die Octobris*, A. D. 1770.

Petition of
Oliver Whitney.

✱✱✱
✱A✱
✱✱✱

Petition of *Oliver Whitney*, Administrator on the Estate of — *Whitney*, deceased, praying for Liberty to sell certain Lands.

Read and committed to the Committee for the Sale of Lands.

Upon

Upon a Motion, *Ordered*, That the Petition of *Joseph Root*,
enter'd the 14th *June* 1768, be reviv'd.

Petition of
Joseph Root,
reviv'd.

Read and committed to Col. *Prescot*, Mr. *Billings* and Major
Davis.

A Petition of the Inhabitants of the South Part of *Westfield*,
praying to be set off as a District.

Petition of
Inhabitants of
Westfield.

Read and *Ordered*, That Mr. *Ingersol* of *Great-Barrington* bring
in a Bill.

A Petition of the Inhabitants of the West Part of *Great-Bar-*
rington, praying to be made a Township.

Petition of
Inhabitants of
Gr. Barriagten.

Read and *Ordered*, That the Petitioners notify the Town of
Great-Barrington, to shew Cause, if any they have, why the Prayer
should not be granted.

A Petition of *Samuel Culver*, and others, Selectmen of *Egre-*
mont, setting forth that the Inhabitants thereof pay an unequal Part
of the Province Tax, and praying the Consideration of this Court.

Petition of
Sam. Culver.

Read and committed to Mr. *Greenleaf*, Mr. *Phillips* and Capt.
Davis of *Barnstable*.

A Petition of *David Coats* and *John Emery*, of *Newbury-Port*,
praying that certain Fines laid upon them by Order of the Superior
Court held at *Ipswich* in *June* last, may be remitted, for Reasons
offered.

Petition of
D. Coats, &c.

Read and *Ordered*, That Col. *Cushing*, Mr. *Ingersol* of *Great-*
Barrington, Capt. *Herrick*, Dr. *Holton*, Capt. *Sprout*, Major *God-*
frey and Capt. *Thayer*, consider the Petition, enquire into the
Grounds and Facts on which said Judgment was founded, and re-
port what may be proper to be done.

A Petition of *Samuel Lee*, praying for a Rehearing of an Action
mentioned in the Petition before the next Inferior Court to be
holden at *Pittsfield* in the County of *Berkshire*.

Petition of
Samuel Lee.

Read and committed to Capt. *Whitcomb*, Mr. *Bigelo* of *Worcester*,
Capt. *White*, Capt. *Nye* and Capt. *Heath*.

Harrison Gray, *James Otis* and *Samuel Dexter*, Esqrs; came down
from the honorable Board, to enquire whether this House have
pass'd upon the Vote of Council relating to the Choice of an
Agent.

A Petition of *Hannah Robins*, praying for Liberty to sell certain
Lands.

Petition of
Hannah Robins.

Read and committed to the Committee for the Sale of Lands.

Upon a Motion, *Ordered*, That *John Hancock*, Esq; go up to
honorable Board to enquire whether they have pass'd upon the
Impost Bill.

Messageto and
from the Board.

Who returned that he had deliver'd the Message.

Stephen Hall, Esq; came down from the honorable Board to ac-
quaint the House that they had unanimously non-concurred the
Impost-Bill.

Upon a Motion, *Ordered*, That Col. *Warren* go up to the ho-
norable Board to desire they would send down the Impost Bill.

Who returned that he had deliver'd the Message.

Walter Spooner, Esq; brought down the Impost Bill and laid it on the Table.

Petition of *Mary Wardel*. A Petition of *Mary Wardel*, Administrator on the Estate of *Joseph Foster*, praying for Liberty to sell Land.

Read and committed to the Committee for the Sale of Lands.

Petition of *Town of York*. A Petition of the Town of *York*, praying for a Tole upon a Bridge over *York River*.

Read and committed to *Mr. Wood* of *Boxford*, *Mr. Greenleaf* and *Col. Noyes*.

Upon a Motion, Ordered, That *Mr. Samuel Adams*, *Mr. Hancock*, *Mr. Bancroft*, *Col. Warren* and *Capt. Thayer*, prepare and bring in a new Impost Bill.

Post-Meridiem.

Report on
Petition of
Town of York.
Bill read.

The Committee on the Petition of the Town of *York*, reported. Ordered, That the Petitioners have Leave to bring in a Bill for the Purpose of the Petition.

A Bill to enable the Proprietors of the Great Bridge over *York-River* in the first Parish in said Town, to take Tole for the Repair and Amendment thereof.

Read the first Time.

Ordered, That the Bill be read again on Tuesday next at Ten o'Clock.

Bill bro't down

James Pitts, Esq; brought down a Bill for preventing Executors and Administrators from being liable to the Suits of Creditors after a Time limited therein.

Pass'd in Council, viz. In Council, *October 10*, 1770. Read a first Time. 19th, Read a second Time, and pass'd to be engross'd.

Sent down for Concurrence.

The House took into Consideration the Expediency of chusing an Agent to appear for the Province at the Court of Great-Britain. And after Debate, the Question was put, *Whether this House will join with the honorable Board in the Choice of an Agent for the Province?*

It pass'd in the Negative.

Then the House took into Consideration the Expediency of chusing an Agent for the House. And after Debate,

Resolved, That this House will proceed to the Choice of an Agent for the House on Wednesday next at Three o'Clock.

Then the House adjourn'd 'till To-morrow Morning Nine o'Clock.

SABBATI 20 Die Octobris, A. D. 1770.

Petition of
Abel Sawyer.



Petition of *Abel Sawyer*, praying for a Re-hearing of an Action therein mentioned.

Read and committed to *Col. Gerrish*, Brigadier *Prebble*, and *Mr. Stickney*.

A

A Petition of *James Sheppard*, praying for Liberty to sell Land. Petition of J. Sheppard.
Ordered, That the Committee for the Sale of Land consider the Petition and report.

The Committee on the Petition of *Joshua Nickerson*, reported. Report on Petition of J. Nickerson.
 Read and recommitted ; and Capt. *Mellen* is added to the Committee.

A Bill for establishing the Fees of the several Officers within this Province. Bill read.

Read the third Time, and pass'd to be engross'd.

Sent up by Col. *Warren*, Mr. *Gardner* of *Stow*, Mr. *Phillips*, Major *Gallison* and Mr. *Oliver*.

The Committee on the Petition of *Abel Sawyer*, reported.

Read and accepted, and *Ordered*, That the Prayer be so far granted, as that the Petitioner notify *Richard Hart*, the adverse Party, by leaving with him an attested Copy of this Petition, that he shew Cause, if any he hath, on the second Wednesday of the next Session of this Court, why the Prayer should not be granted : And that the Execution in the Petition mention'd be stayed in the mean Time ; provided he gives Security to the Sheriff of the County of *Suffolk* to pay and satisfy such Sum and Sums as may finally be recover'd by the said *Richard*. Report on Petition of Abel Sawyer.

A Petition of *Joseph Jackson* of *Boston*, praying that he may be enabled by an Act of this Court to take Administration on the Estate of *David Ouchterlony*, deceased, for Reasons mentioned in the Petition Petition of Joseph Jackson.

Read and committed to Col. *Worthington*, Mr. *Ingersol* of *Great-Barrington*, and Mr. *Billings*.

Upon a Motion, *Ordered*, That Mr. *Dennie*, Mr. *Ingersol* of *Great-Barrington*, and Col. *Pescot*, be a Committee to examine the Accounts of building a Light-House in *Plymouth Harbour*, and report.

Mr. *Nye*, Col. *Warren*, Capt. *Robinson* and Col. *Walker* had Leave of Absence for the next Week.

Upon a Motion, *Ordered*, That Col. *Warren* and Capt. *Thomas*, with such as the honorable Board shall join, be a Committee to take Care of the Light-House in *Plymouth Harbour*, and effectually repair and secure the same. Sent up for Concurrence.

A Bill to prevent Executors and Administrators from being liable to the Suits of Creditors, after a Term therein limited.

Read and referred for further Consideration till the next Session of this Court.

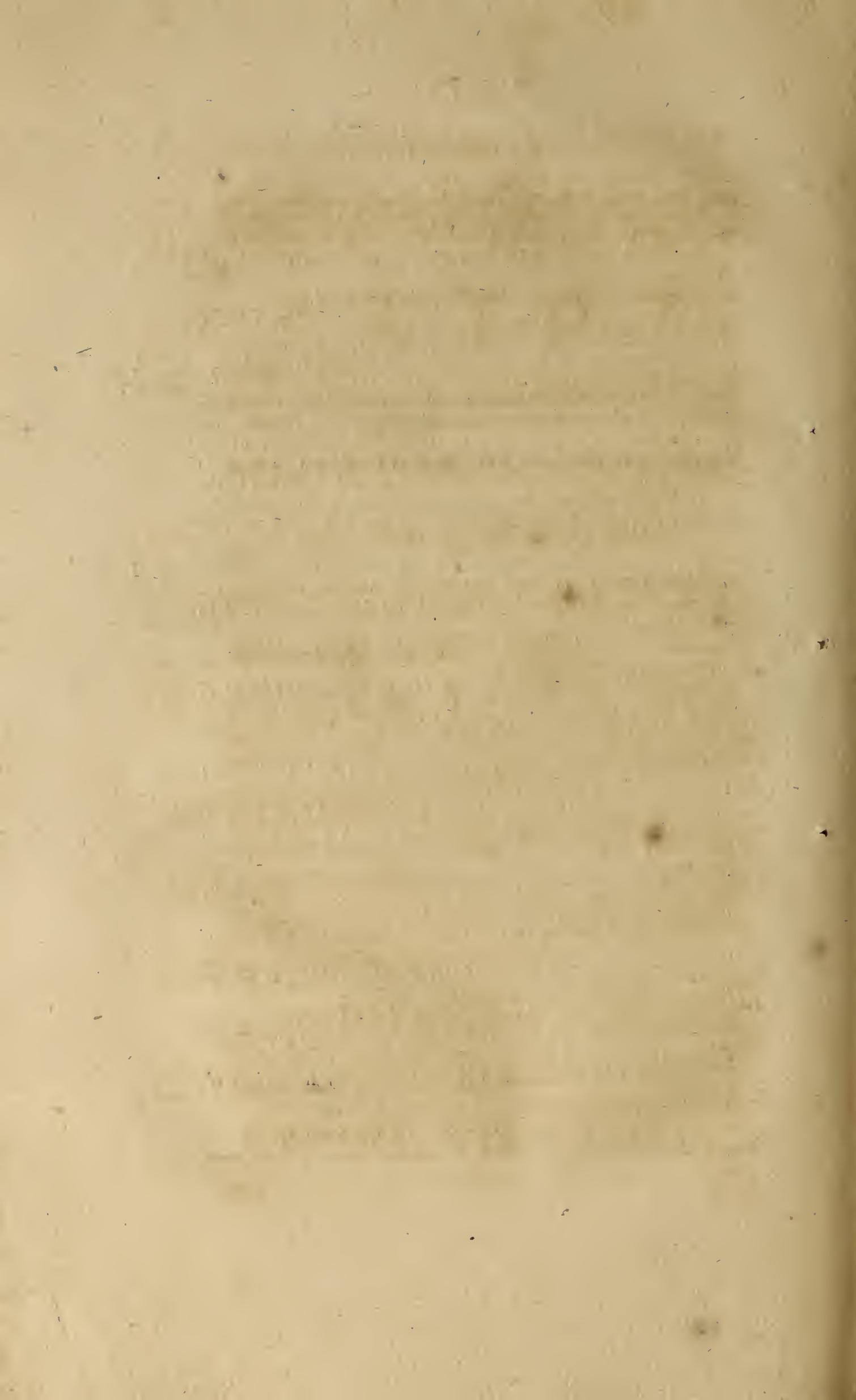
A Bill for amending an Act of this Province relating to Executors and Administrators.

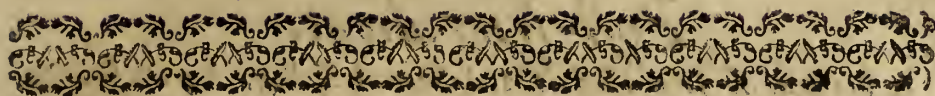
Read and referred to the next Session of this Court.

A Bill to enable the Proprietors of the Great Bridge over *York-River*, to take Tole for the Repair and Amendment thereof.

Read the second Time, and refer'd to Monday next Three o' Clock.

Then the House adjourn'd 'till Monday next, Ten o'Clock.





V O T E S

Of the Honorable House of Representatives.



LUNÆ 22. *Die Octobris*, A. D. 1770.

THE Committee on the Petition of *Joseph Root*, reported. Report on
Petition of
Joseph Root.
Read and *Ordered*, That a Bill be brought in for
the Purpose of the Petition.

The Committee on the Petition of *John Hamblen*, Report on
Petition of
John Hamblen.
and others, reported.

Read and accepted, and *Ordered*, That the Petitioners notify the
Town of *Great-Barrington*, by serving the Clerk of said Town with
an attested Copy of the Petition, to shew Cause on the second
Wednesday of the next Session, why the Prayer should not be
granted.

Sent up for Concurrence.

A Petition of *Jonathan Parker* of *Plymton*, praying that the Petition of
J. Parker.
Justices of the General Sessions of the Peace for the County of
Plymouth, may be empowered to grant him a Licence to keep a
Tavern.

Read, and the Petitioner had Leave to withdraw his Petition.

Report on
Petition of
J. Frye, Esq;

The Committee on the Petition of *Joseph Frye, Esq;* reported.

Read and not accepted, and the Petitioner had Leave to with-
draw his Petition.

A Petition of *Josiah Edson, Esq;* and others, in Behalf of the Petition of
J. Edson, Esq;
Town of *Bridgewater*, praying that they may be empowered by a
Law to let to farm the Alewife Fishery in said Town.

Read and committed to Mr. *Sprague*, Dr. *Wadsworth* and Capt.
Sprout.

The Committee on the Petition of Mr. *Noah Sprague* and others, Report on
Petition of
Noah Sprague.
reported a Bill for preventing the Destruction of Alewives in their
Passage thro' Madupoiset-River. Read the first Time.

Ordered, That Capt. *Herrick* be of the Committee on the Peti-
tion of *Samuel Lee*, in the Room of Mr. *Nye*, absent.

Post-Meridiem.

Petition of
J. Moffatt, &c.

A Petition of *John Moffatt* and *Samuel Kellog*, Agents for the Inhabitants of *Williamstown*, praying that this Court would interpose their Aid, to enable them to reap the Benefit of a Legacy in the Will of the late *Ephraim Williams*, Esq; decess'd, for Reasons mentioned.

Read and committed to Mr. *Ingersol* of *Great-Barrington*, Major *Foster* and Col. *Gerrish*.

Petition of
John Pagin.

A Petition of *John Pagin*, an Indian, setting forth that his Land was sold without his Consent, and praying Relief.

Read and committed to Mr. *Bigelow* of *Worcester*, Dr. *Wheaton* and Col. *Gerrish*.

Upon a Motion, *Ordered*, That Capt. *Heath*, Dr. *Holten* and Mr. *Hobson*, enquire into the Manner of the Surrender of *Castle-William*, ascertain Facts supported by Evidence, and report.

Report on
Cumberland
County Treas-
urer's Account

The Committee on the County Treasurers Accounts reported on the Account of the Treasurer for the County of *Cumberland*.

Read and accepted, and whereas it appears that the Moneys granted and allow'd by the Court of General Sessions of the Peace for said County for the Year 1769, were such as said Court was by Law empower'd to grant and allow.

Resolved, That said Account be allow'd.

Sent up for Concurrence.

Report on
Barnstable
County Treas-
urer's Account

The same Committee reported on the Account of the Treasurer for the County of *Barnstable*.

Read and accepted, and whereas it appears that the Monies granted and allowed by the Court of General Sessions of the Peace for said County for the Year 1769, were such as said Court was by Law empowered to grant and allow.

Resolved, That said Account be allowed.

Sent up for Concurrence.

Report on Essex
County Treas-
urer's Account

The same Committee reported on the Account of the Treasurer for the County of *Essex*.

Read and accepted, and whereas it appears that the Monies granted and allowed by the Court of General Sessions of the Peace for said County for the Year 1769, were such as said Court was by Law empowered to grant and allow.

Resolved, That said Account be allowed.

Sent up for Concurrence.

Ordered, That Capt. *Dagget* be of the Committee on the Petition of *Samuel Culver*, and others, in the Room of Mr. *Greenleaf*, absent. And that Mr. *Phillps* and Capt. *Mitchel* be of the Committee on the Petition of *David Ingersol*, in the Room of Major *Gallison* and Capt. *Thomas*, absent.

The Committee on the Petition of *Mary Wardwell*, reported.

Report on
Petition of
M. Wardwell.

Read and accepted, and *Resolved*, That the Prayer be granted, and that the Petitioner be empowered to make Sale of the Estate mentioned, for the most it will fetch, and make and execute a good

good Deed thereof, she observing the Rules of the Law for the Sale of Real Estates by Executors and Administrators, and giving Security to the Judge of Probate for the County of *Essex*, that the Proceeds be apply'd as follows, viz. One third to be put to Interest for the Use of the said *Mary*, she to receive the same for her Support during her natural Life, and the Residue, after the Debts are paid, if any Debts there be, shall be distributed to the Heirs of the said *Joseph*, agreeable to Law. And the other Third, after the Widow's Decease, shall be distributed among said Heirs, or their legal Representatives, in like Manner as they would have inherited, if the said Land had not been sold.

Then the House adjourn'd 'till To-morrow Morning Nine o'Clock.

MARTIS, 23 *Die Octobris*, A. D. 1770.

***PON a Motion, *Ordered*, That the District of *Shelburne*
 U be furnish'd with a Set of the Province Laws.

*** Sent up for Concurrence.

A Petition of *Nathan McIntire*, praying for Liberty to sell Lands. *Petition of N. McIntire.*

Read and committed to the Committee for the Sale of Lands.

A Bill for incorporating the South Part of the Town of *Westfield* in the County of *Hampshire* into a District. *Bill read.*

Read the first Time.

Upon a Motion, *Ordered*, That Mr. *Allen*, Mr. *Oliver* and Mr. *Remington*, examine the Precepts for the Return of Members, and report to the House such Towns as have return'd no Members.

A Bill to empower the Town of *Bridgewater* to make Sale of *Fish*, called *Alwives*, taken in said Town. *Bill read.*
 Read the first Time.

A Petition of *Thomas Bodkin*, setting forth that the Deed of certain Lands he holds in the Township *Bristol* was lost in the Time of an Indian War; and that the only Title he is able to exhibit in Defence of said Lands is the Testimony of three ancient Persons, which thro' Ignorance of the Law was taken before one Justice of the Peace only, and put on Record to perpetuate the Boundaries; and praying the Relief of this Court. And, *Petition of Tho. Bodkin.*

A Petition of *Hezekiah Eggleston*, setting forth the same Matter.

Read and committed to Mr. *Dennie*, Capt. *Thayer* and Mr. *Rawson*. *Petition of H. Eggleston.*

A Bill to empower the Proprietors of the Great Bridge over *York River* to take Tole. *Bill read.*
 Read a second Time.

A Petition of *Ebenezer Mason*, praying to be empowered to give a Deed of certain Lands therein mentioned. *Petition of E. Mason.*

Read and *Ordered*, That Brigadier *Prebble*, Capt. *Kingsbury* and Mr. *Hall*, consider the Petition and report.

The Committee on the Petition of *Joshua Nicholson*, reported.

Read and accepted, *Resolved*, That the Prayer be granted so far as that there be allowed and he is accordingly empowered to receive *Report on Petition of J. Nicholson.*

ceive out of the Province Treasury, the Sum of Eight Shillings per Week for One Hundred and four Weeks, being the Time he kept the Two aged Persons mention'd together ; and Four Shillings per Week, for Thirty nine Weeks, being the Time he kept the Widow after the Death of her Husband ; and the additional Sum of Two Pounds, nine shillings and eight Pence for the necessary Supplies of Funeral Charges of the said Deceased, more than what the Petitioner received of his Effects, amounting in the whole to Seventy four Pounds, one shilling : And that the Sum so received be in full Satisfaction of all the Petitioners Demands against this Province.

Sent up for Concurrence.

Bill read.

A Bill to prevent the obstructing and destroying the Fish called Alewives, in their Passage thro' Madupoiset River.

Read the second Time.

Petition of
Assessors of
Hopkinton.

A Petition of the Assessors of *Hopkinton*, praying an Abatement of their Taxes, for Reasons mentioned.

Read and committed to Mr. *Vinal*, Capt. *Dix*, Mr. *Stickney*, Mr. *Spooner*, Mr. *Hearsay*, Dr. *Wadsworth*, Capt. *Brown*, Major *Davis*, and Capt. *Herrick*.

Petition of
J. Fisher, &c.

A Petition of *John Fisher* and others, a Committee of the Town of *Needham*, praying for Liberty to sell Lands.

Read and committed to the Committee for the Sale of Lands.

Upon a Motion, Ordered, That Capt. *Sumner* be of the Committee on the Petition of *Japheth Bicknel*, in the Room of Capt. *Keen*, absent.

The Committee appointed to prepare a Vote requesting his Honor to appoint a Day of Humiliation and Prayer, reported.

Read and accepted: And whereas it hath been the laudable Practice of this Province in Time of publick Distress and Danger to set apart a Day for solemn Prayer to Almighty God, humbly to implore the Forgiveness of their Sins, and his Blessing upon the British Nation, and its Dependencies ; and upon this Province in particular.

And whereas this Province in common with the other American Colonies, labors under many great and insupportable Grievances, and have Reason to fear that other Difficulties still more alarming are meditated against them :

Resolved, That Mr. *Hancock*, Brigadier *Prebble* and Mr. *Hobson*, with such as the honorable Board shall join, be a Committee to wait on his Honor the Lieutenant Governor, and desire him to appoint a Day of solemn Humiliation and Prayer to be observed throughout the Province.

Sent up for Concurrence.

Post-Meridiem.

Petition of
W. Marean, &c

A Petition of *William Marean* and *Adam Wheeler*, in Behalf of the Inhabitants of the District of *Hubbard's-Town*, praying that they may be empowered to raise a Tax on the Non-resident Proprietors.

Read and committed to Mr. *Bradford*, Mr. *Smith* and Col. *Cushing*.

A

The Committee appointed the 17th Instant to prepare a Message to his Honor the Lieutenant Governor, reported.

Read and accepted, and *Ordered*, That the following Message be presented to his Honor the Lieutenant Governor, viz.

May it please your Honor,

IN our Message to your Honor of the 13th Inst. we desired you ^{Message to his Honor.} would be pleas'd to inform the House, whether you still hold the Command of Castle-William. In Answer to which you say, that in withdrawing a Garrison from his Majesty's Castle which was paid by the Province, & placing a Garrison there to be paid by the King, in Pursuance of Instructions from him, you have not given up any Part of our Charter Rights.

This Answer appears to the House to be somewhat equivocal: For your Honor may possibly differ with the House in your Construction of the Clause in the Charter which we have recited. By this Clause, the Governor of the Province is undoubtedly vested with the Command of that Fortress: Your Honor may have been instructed to transfer that Command to his Majesty's chief military Officer in America or any other Person. If that be the Case, the Power which is vested in you by the Charter is superceded by Instructions.

A Doubt in the House respecting a Matter of so very interesting a Nature to the Province, is the Occasion of this repeated Message to your Honor, to request that you would, in an explicit Manner assure us, Whether you still hold the Command of His Majesty's Castle-William.

A Bill for *Amendment of an Act relating to Executors and Administrators.* Bill read.
Read the second Time.

A Petition of *Esther Speen*, an Indian, praying for Liberty to sell her Lands. ^{Petition of Esther Speen.}

Read and committed to Major *Foster*, Mr. *Clap* and Mr. *Field*.

Upon a Motion, *Resolved*, That this House will take under Consideration a Grant for the Support of his Honor the Lieutenant Governor on Thursday next, at Ten o'Clock.

Upon a Motion, *Resolved*, That this House will take under Consideration a Grant to *William Bollan*, Esq; Agent for the honorable Board; and also a Grant to the Heirs of *Dennis DeBerdt*, Esq; deceased, late Agent for the House of Representatives, for their Services, on Thursday next at Eleven o'Clock.

A Petition of the Selectmen of *Wrentham*, praying for an Allowance for maintaining two poor Children mention'd in the Petition. ^{Petition of Select-Men of Wrentham.}

Read and committed to Capt. *White*, Major *Bancroft*, and Mr. *Hall*.

A Petition of *Martha Davis*, praying for Liberty to sell Land, Reviv'd, and committed to the Committee for the Sale of Lands. ^{Petition of M. Davis reviv'd.}

A Petition of *William Whitwell*, praying that a Bounty may be given for raising Mulberry Trees, for Reasons mention'd. ^{Petition of Wm. Whitwell.}

Petition of
Towns of
Bridgwater &c

Read and committed to Capt. Heath, Mr. Oliver, Mr. Sprague, Mr. Dagget, Capt. Kingsberry, Mr. Thurston and Dr. Holten.

James Humphrey, Esq; brought down the Petitions of the Towns of *Bridgwater*, *Middleborough* and *Halifax*.

Pass'd in Council, viz. In Council, October 22, 1770.

Read and Ordered, That *Artemas Ward*, and *James Humphrey*, Esqrs; with such as the honorable House shall join, be a Committee to take this Petition into Consideration, and report.

Sent down for Concurrence. Read and concur'd, and Major *Foster*, Capt. *White* and Capt. *Mellen*, are join'd to the Committee of the honorable Board.

Then the House adjourn'd 'till To-morrow Morning Nine o'Clock.

MERCURI, Die 24 Octobris, A. D. 1770.

Bill read.

Bill for incorporating the South Part of the Town of West-
field in the County of Hampshire into a District.

Read the second Time, and Ordered, That the Bill be read again To-Morrow Ten o'Clock.

A Message from his Honor the Lieutenant Governor by the Secretary.

Gentlemen of the House of Representatives,

Message from
His Honor.

IN my Answer to your Message of the 13th Instant, I have told you that by withdrawing the Garrison from Castle William which was paid by the Province, and placing a Garrison there to be paid by the King in Pursuance of Instructions received from him, you had no Grounds to infer that I have divested myself of the Right given me by Charter over this Fort in common with the other Forts in the Province.

I had no latent Meaning in this nor any other Expression in my Answer. I intended it should convey this Idea that I was not, by the Exchange of the Garrison, divested of the Right, and, consequently, that I still retain it, for it has never been suggested that I have parted with it in any other way, nor do I know of any Colour for such Suggestion.

I know of no Ambiguity in that Clause of the Charter which you have recited in your first Message to me. I shall be sorry if the House put any Construction upon it different from what appears to me to be the plain Sense of the Words, but I must govern myself by my own Understanding, and chuse to avoid any Altercation concerning it.

The Authority given me over the Castle by his Majesty's Commission I have exercised and continue to exercise without any Infringement of the Rights of the People by Charter or otherwise, and without any Extension of the Prerogative of the Crown beyond its just Limits, and

I doubt not I shall be able to vindicate my Conduct if ever I shall be called to account for it.

Cambridge,
23d October, 1770.

T. Hutchinson.

A Bill for Amendment of an Act relating to Executors and Administrators. Bills read.]

Read the third Time, and pass to be engross'd.

A Bill for preventing the Destruction of Alewives in their Passage thro' Madupoiset-River.

Read the third Time, and pass'd to be engross'd.

Post-Meridiem.

Upon a Motion, Ordered, That Brigadier Prebble, Mr. Ingersol of Great-Barrington, and Mr. Hancock, do sort and count the Votes for the Choice of an Agent for this House.

Then the House proceeded according to Order to bring in their Votes for an Agent to appear for this House at the Court of Great Britain during one Year. And the Committee having sorted and counted the Votes, reported that Benjamin Franklin, Esq; was chosen.

It was moved that a Committee be appointed to view the Province House in Boston, and report the State thereof to this House. And Mr. Hancock, Capt. Heath, and Mr. Samuel Adams, were appointed accordingly.

John Bradbury, Esq; brought down the following Vote of Council, viz. In Council October 24, 1770. Vote of Council bro't down.

To-Morrow being the Anniversary of his Majesty's Accession to the Throne, Voted, That William Brattle and Samuel Dexter, Esqrs; with such as the honorable House shall join, be a Committee to make Provision for the Celebration thereof, in the Town of Cambridge, at Four o'Clock Afternoon, at the College-Hall.

Sent down for Concurrence.

Read and concur'd with the Amendment at A, viz. dele in the College-Hall, and insert at the House of Captain Stedman. And Mr. Hancock, Mr. Gardner of Cambridge, and Mr. Samuel Adams, are joined to the Committee of the honorable Board.

Sent up for Concurrence.

Then the House adjourn'd till To-Morrow Morning Nine o'Clock.

Jovis, 25 Die Octobris, A. D. 1770.

Bill for incorporating the South Part of Westfield, in the County of Hampshire, into a District. Bill read.

Read the third Time, and pass'd to be engross'd.

The Committee on the Petition of the West Part of Hatfield, reported. Report on Petition of West Part of Hatfield.

Read and accepted, and Resolved, That the Petitioners notify the Town of Hatfield of the Contents of this Petition, that they may

may shew Cause on the second Thursday of the next Sitting of this Court, why the Prayer thereof should not be granted: And that such Notice be given them by the said Petitioners serving the Town-Clerk of the said Town of *Hatfield* with a Copy of this Petition and this Order thereon, attested by the Secretary, fourteen Days before the above-mentioned second Thursday of the next Sitting of this Court. Sent up for Concurrence.

Message to and from the Board.

Upon a Motion, *Ordered*, That Mr. *Ingersol* go up to the honorable Board to enquire whether they have pass'd upon the Fee Bill. Who return'd that he had deliver'd the Message.

George Leonard, Esq; came down from the honorable Board to acquaint the House that they had unanimously non-concur'd the Fee Bill.

Petition of *Elias Willard* bro't down.

George Leonard, Esq; bro't down the Petition of *Elias Willard*.

Pass'd in Council, viz. In Council, *October* 24, 1770.

Read again, and no Objection appearing against the Prayer of the within Petition; *Ordered*, That that the said Petition be reviv'd, and that the Petitioner have Leave to bring in a Bill for the Purposes mention'd. Sent down for Concurrence.

Read and *Ordered*, That Mr. *Ingersol* go up to the honorable Board to desire they would send down the Answer to this Petition, if such be before them.

Who returned that he had delivered the Message.

Upon a Motion, *Ordered*, That the Consideration of a Grant for the Support of his Honor the Lieutenant Governor be referr'd till Wednesday next at Three o'Clock.

Mr. *Freeman* had Leave of Absence during the Remainder of this Session; Mr. *Davis* for one Week, and Mr. *Clap* till Tuesday next.

Upon a Motion, *Ordered*, That Mr. *Sprague* be of the Committee on the Petition of *Joseph Jackson*, in the Room of Col. *Worthington*, who is absent.

Ordered, That Dr. *Holten* be of the Committee on the Petition of *John Moffat*, and others, in the Room of Mr. *Ingersol*.

Ordered, That Mr. *Gardner* of *Stow*, and Mr. *Gardner* of *Cambridge*, be of the Committee appointed to consider the Accounts of Expence in building the Light House in *Plymouth Harbour* in the Room of Mr. *Dennie* and Mr. *Ingersol*.

Post-Meridiem.

Petition of Inhabitants of *Taunton*, bro't down.

Isaac Royall, Esq; brought down the Petition of the Inhabitants of the Town of *Taunton*, enter'd the 27th of *March*.

Pass'd in Council, viz. In Council, *October* 25, 1770.

Read and *Ordered*, That this Petition be reviv'd, and that *John Bradbury* and *Stephen Hall*, Esqrs; with such as the honorable House shall join, be a Committee to take the same, with the Answer into Consideration, and report. Sent down for Concurrence.

Read and concur'd, and Capt. *Thayer*, Capt. *Dix* and Capt. *Sumner*, are joined to the Committee of the honorable Board.

Sent up for Concurrence.

Isaac

Isaac Royall, Esq; brought down the Vote of Council for the Celebration of the Anniversary of his Majesty's Accession to the Throne. Pass'd in Council, viz. In Council, *October 25, 1770.* Vote of Council brought down.

Read and concur'd.

In Council, *October 25, 1770.* Read and reconsidered ; and inasmuch as the Committee appointed for that Purpose have already made Provision to meet in the College Hall, they therefore adhere to their own Vote. Sent down for Concurrence.

Read and non-concur'd, and the House adhere to their own Vote.

Sent up for Concurrence.

Upon a Motion, *Ordered*, That the Petition of *Samuel Dexter*, Esq; and others, Commissioners of the late Land Bank, enter'd in *March* last, be reviv'd. Petition of S. Dexter, &c. reviv'd.

Read and committed to Capt. *Sumner*, Mr. *Bragdon*, Mr. *Gardner* of *Stow*, Capt. *Mellen* and Major *Foster*.

An engross'd Bill in Addition to an Act entitled an Act relating to *Executors and Administrators.* Bill engross'd.

Read and pass'd to be enacted.

Brigadier *Prebble* had Leave of Absence during the Remainder of this Session.

A Report of a Committee of the Council Board, relative to a Deposition of *Andrew Oliver*, Esq; concerning the Proceedings at Council on the 6th and 7th of *March* last ; together with the Resolutions of Council thereon ; and the Depositions of divers Members of his Majesty's Council and others, were brought down from the honorable Board, and laid on the Table.

Then the House adjourn'd 'till To-morrow Morning Nine o'Clock.

VENERIS 26 Die Octobris, A. D. 1770.

THE Committee on the Petition of *Ebenezer Mason*, reported. Report on Petition of E. Mason,
 Read, and it appearing that the Facts set forth in the Petition are true, *Resolved*, That the Prayer be granted, and that the Petitioner be and he hereby is empower'd to join with the said *Peleg Chandler* and his Wife in executing a Deed of the whole of the Land in the Petition mention'd, to the said *Edmond Chandler* and his Son *Enos Chandler* ; which shall be as good and valid for the Conveyance of that Part of the Estate which did belong to the Wife of the said Petitioner, and the said *Edmond Chandler* and his Son *Enos Chandler*, their Heirs and Assigns, shall hold the same in as full and ample Manner as if the said Petitioner's Wife had joined in the Execution of a Deed thereof in her Life Time.

Sent up for Concurrence.

A Bill for annexing a Tract of Land to the District of *Montague*, lying between the said District and the Town of *Northfield.* Bill read.

Read the first Time.

Report on
Petition of
S. Lee.

The Committee on the Petition of *Samuel Lee*, reported.

Read and accepted, and *Resolved*, That the Prayer be so far granted, as that the said Petitioner *Samuel*, and the said *Moses* and *Aaron*, be and hereby are authorized to have a Re-hearing of the Account whereon the Judgment mention'd in the Petition was render'd, at the next Inferior Court of Common Pleas, to be holden at *Pittsfield* in the County of *Berkshire*, on the last Tuesday in *February* next; and the Justices of the same Court are hereby directed and empowered to hear and try said Account, make up Judgment, and award Execution thereon, for such Sum as they shall see Cause to adjudge the said *Elijah* upon the Bond set forth in the Petition, as well as if there had been no Judgment thereon, and in Consequence of such Default made by the said *Samuel*, *Aaron* and *Moses*, at the Court therein mention'd; and also that Execution which issued on said Judgment in Form recover'd, as is fully set forth in said Petition be stayed in the mean Time. And that the said Judgment specified in said Petition, the Execution that issued thereon, and all the Doings that have been in Consequence and by Virtue thereof, be and hereby are declared void. And that the said *Elijah* be wholly barred and precluded from having, taking or using or enjoying any Advantage of the said Judgment in Form as aforesaid recover'd, or any Matter or Thing that has been or may hereafter be had or done by Virtue thereof. And it is further *Resolved* and *Ordered*, That the Estate that was attach'd by Virtue of the original Writ or Process, be held and remain good and valid to respond said Action and satisfy the Sum or Sums that the said *Elijah* shall or may finally recover against the said *Samuel*, *Aaron* and *Moses*, upon the Bond in the Action mentioned.

Sent up for Concurrence.

Mr. *Samuel Adams* from the Committee appointed to prepare an Imposit Bill, reported.

Bill read.

A Bill for granting to his Majesty several Rates and Duties of Imposit and Tunnage of Shipping.

Read three several Times and pass'd to be engross'd.

Sent up for Concurrence.

Upon a Motion, *Ordered*, That Mr. *Oliver* be of the Committee on the Tax-Bill in the Room of Mr. *Billing*.

Ordered, That Col. *Whitcomb* be of the Committee on the Petition of *Egremont*, in the Room of Mr. *Davis*.

Ordered, That Mr. *Ingersol* of *Great-Barrington* be of the Committee on the Petition of *John Moffatt* and others, in the Room of Col. *Gerrish*.

Petition of
C. Goodrich
bro't down.

James Pitts, Esq; bro't down the Petition of *Charles Goodrich*, enter'd July 15, 1769.

Pass'd in Council, viz. In Council October 26, 1770.

Read and *Ordered*, That this Petition be reviv'd, and that *Artemas Ward* and *George Leonard*, Esq's; with such as the honorable House shall join, be a Committee to take this Petition with the Answer into Consideration and report.

Sent down for Concurrence.

The

The Resolves of the Council Board on a Deposition of *Andrew Oliver*, Esq; Secretary of the Province, and the Papers accompanying the same, brought down Yesterday.

Read and referr'd for Consideration till the Afternoon.

Post-Meridiem.

It was moved that a Petition of *Daniel Ganes*, entered January 19, 1770, be reviv'd. And the Question being put, pass'd in the Negative. And the Petitioner had Leave to withdraw his Petition.

Walter Spooner, Esq; brought down the Petition of *Samuel Lee*. Petition of Samuel Lee bro't down.

Pass'd in Council, viz. In Council, *October 26, 1770.*

Read, and non-concur'd, and *Ordered*, That the Petitioner notify *Elijah Williams*, Esq; the adverse Party, that he shew Cause on the second Wednesday of the next Session of the General Court, why the Prayer should not be granted.

Sent down for Concurrence.

Walter Spooner, Esq; brought down the Petition of *Ebenezer Mason*. Petition of Eben. Mason bro't down.

Pass'd in Council, viz. In Council, *October 26, 1770.*

Read and concur'd with Amendment.

Sent down for Concurrence.

The House according to Order took into Consideration the Resolves of the honorable Board on the Deposition of *Andrew Oliver*, Esq; and *Ordered*, That *Dr. Holten*, *Mr. Hobson*, *Col. Cushing*, *Major Foster* and *Mr. Searl*, consider the same and report.

Upon a Motion, *Ordered*, That the Consideration of a Grant to *William Bollan*, Esq; Agent for the honorable Board, and also of a Grant to the Heirs of *Dennys DeBerdt*, Esq; deceased, late Agent for this House, be further refer'd to Wednesday next at Four o'Clock.

The House was mov'd that a Committee be appointed to revise the Laws of this Province, prohibiting the selling of Spirituous Liquors to Indians and Negroes, and report a Bill for attending the same, if needful. And *Mr. Ingersol* of *Great-Barrington*, *Capt. Thayer* and *Capt. Kingsberry*, were appointed accordingly.

A Petition of *George Leonard* of *Boston*, praying for a Re-hearing. Petition of George Leonard

Read and committed to *Capt. Heath*, *Mr. Spooner* and *Mr. Bigelow* of *Weston*.

George Leonard, Esq; brought down the Vote of this House of the 23d Instant, relative to the Appointment of a Day of Humiliation and Prayer.

Pass'd in Council, viz. In Council, *October 26, 1770.*

Read and concur'd as taken into a new Draft, and *Royal Tyler* and *James Pitts*, Esqrs; are joined. Sent down for Concurrence.

Read and concur'd.

Walter Spooner, Esq; brought down the Petition of *John Bean*. Petition of John Bean bro't down.

Pass'd in Council, viz. In Council, *October 26, 1770.*

Ordered, That *Jeremiah Powell*, Esq; with such as the honorable House shall join, be a Committee to take the Petition into Consideration, and report.

Sent down for Concurrence.

Read

Read and concur'd, and Col. *Marcy* and Mr. *Bigelow* of *Worcester*, are joined with the Committee of the honorable Board.

Then the House adjourn'd 'till To-Morrow Morning Ten o'Clock.

SABBATI 27 *Die Octobris*, A. D. 1770.

Report on
Petition of
J. Moffat, &c.

Committee on the Petition of *John Moffat*, and others, reported.

Read and Ordered, That the Petitioners notify *Israel Williams*, Esq; and *John Worthington*, Esq; the Executors within named, by serving them severally with a Copy of this Petition, to shew Cause on the second Wednesday of the next Session of this Court, why the Prayer thereof should not be granted.

Sent up for Concurrence.

Petition of
District of
Greenfield
bro't down.

Jeremiah Powell, Esq; brought down the Petition of the District of *Greenfield*, enter'd March 27.

Pass'd in Council, viz. In Council October 26, 1770.

Read and Ordered, That the Petition be reviv'd, and that *Artemas Ward*, Esq; with such as the honorable House shall join, be a Committee to take the Petition and Answer into Consideration, and report what they think proper for this Court to do thereon.

Sent down for Concurrence.

Read and concur'd, and Col. *Cushing*, Col. *Marcy* and Mr. *Bigelow* of *Worcester*, with such other Gentlemen as the honorable Board shall appoint, are joined. Sent up for Concurrence.

Report on
Petition of
S. Culver.

The Committee on the Petition of *Samuel Culver*, &c. reported.

Read and accepted, and Ordered, That the Prayer be so far granted, as that the Sum of *Fifteen Pounds* be taken off from the Tax of the District of *Egremont* the present Year; and that the same Sum be placed on the several Towns, and in the Proportion following, viz. the Sum of *three Pounds fifteen Shillings*, Part of said Sum of *fifteen Pounds*, on the Town of *Lanesborough*; the Sum of *three Pounds fifteen Shillings*, Part of said Sum of *fifteen Pounds*, on the Town of *Becket*; the Sum of *three Pounds fifteen Shillings*, Part of said Sum of *fifteen Pounds*, on the Town of *Williamstown*; the Sum of *two Pounds ten Shillings*, Part of said Sum of *Fifteen Pounds*, on the Town of *Richmond*; and the Sum of *one Pound five Shillings*, Part of said Sum of *fifteen Pounds*, on the District of *Lenox*.

Report on
Petition of
Wm. Whitwell.

The Committee on the Petition of *William Whitwell*, reported.

Read and Ordered to lie.

Report on
Treasurer and
Receiver General's
Accounts.

The Committee on the Accounts of the Treasurer and Receiver-General, reported.

Read and accepted, and Resolved, That the Treasurer be and hereby is discharged of the several Payments in the foregoing Account, amounting to *One Hundred and fifty-eight Thousand eight Hundred Pounds, four Shillings and seven Pence*: And that he be further

further accountable for the Sum of *sixty-five Thousand two Hundred and nineteen Pounds three Shillings and ten Pence*, outstanding Taxes due from the several Towns, when received into the Treasury; and the further Sum of *thirteen Thousand seven Hundred and nineteen Pounds eighteen Shillings and two Pence*, Balance in Hand.

Sent up for Concurrence.

A Bill for annexing a Tract of Land to the District of Montague. *Bills read.*
Read the second Time, and Ordered, That this Bill be read again on Tuesday next, at Ten o'Clock.

A Bill for establishing a Tole Bridge over York-River.
Read the third Time, and Ordered to lie 'till Tuesday next.

Then the House adjourn'd till Monday next, Ten o'Clock,

Received of the Honble the Secretary of the
Board of Trade and Plantations
the sum of £1000
for the purchase of the
said sum of £1000

in full of the sum of £1000
for the purchase of the
said sum of £1000

and the said sum of £1000
is hereby acknowledged
to be paid by the
said Board of Trade and Plantations

in full of the sum of £1000
for the purchase of the
said sum of £1000

and the said sum of £1000
is hereby acknowledged
to be paid by the
said Board of Trade and Plantations

in full of the sum of £1000
for the purchase of the
said sum of £1000

and the said sum of £1000
is hereby acknowledged
to be paid by the
said Board of Trade and Plantations

in full of the sum of £1000
for the purchase of the
said sum of £1000

and the said sum of £1000
is hereby acknowledged
to be paid by the
said Board of Trade and Plantations

in full of the sum of £1000
for the purchase of the
said sum of £1000

and the said sum of £1000
is hereby acknowledged
to be paid by the
said Board of Trade and Plantations

in full of the sum of £1000
for the purchase of the
said sum of £1000

and the said sum of £1000
is hereby acknowledged
to be paid by the
said Board of Trade and Plantations

in full of the sum of £1000
for the purchase of the
said sum of £1000

and the said sum of £1000
is hereby acknowledged
to be paid by the
said Board of Trade and Plantations

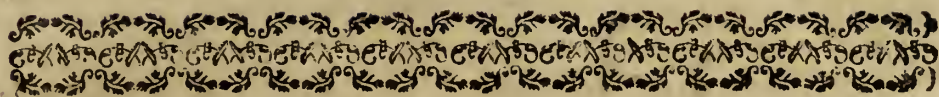
in full of the sum of £1000
for the purchase of the
said sum of £1000

and the said sum of £1000
is hereby acknowledged
to be paid by the
said Board of Trade and Plantations

in full of the sum of £1000
for the purchase of the
said sum of £1000

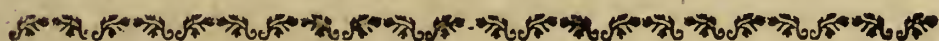
and the said sum of £1000
is hereby acknowledged
to be paid by the
said Board of Trade and Plantations

in full of the sum of £1000
for the purchase of the
said sum of £1000




V O T E S

Of the Honorable House of Representatives.



LUNÆ 29 Die Octobris, A. D. 1770.

 Petition of *Samuel Welles*, Esq; of *Natick*, praying that the Trustees of the Estate of an insolvent Debtor mention'd in his Petition, may be appointed to receive and consider his Account, the Time being elapsed notwithstanding. Petition of *S. Welles*, Esq;

Read and committed to Col. *Prescot*, Mr. *Hancock* and Mr. *Bigelow* of *Weston*.

The Member for the Town of *Deerfield* represented to the House that the said Town was taxed the Sum of *Fifteen Pounds ten Shillings*, being the Pay of the Representative for the Town of *Deerfield*, and the Districts of *Shelburne* and *Conway*, for the last Year, and mov'd for the Consideration of the House thereon.

A Petition of *Samuel Livermore*, Esq; and others, praying for an equivalent for a Grant of a Township in the Year 1736, to *Samuel Harris*, Esq; and others, which by the Settlement of the Line falls within the Bounds of *New-Hampshire*. Petition of *S. Livermore*.

Read and committed to Capt. *Dix*, Major *Hartwell* and Mr. *Bigelow* of *Weston*.

A Petition of *William Williams*, Esq; and others; praying for a Tax of *One Penny* per Acre on the Lands in *Pittsfield*, for the Reasons mentioned. Petition of *W. Williams* Esq

Read and committed to Col. *Buckminster*, Mr. *Wheelwright* and Capt. *Searle*.

A Petition of *Abigail Lillie*, praying that the Court of General Sessions for the Peace for the County of *Suffolk*, may be empowered to grant her a Licence to retail Spirituous Liquors in *Boston*. Petition of *Abigail Lillie*.

Read and Ordered, That the Prayer of this Petition be granted.
The

The Order of Council on the Petition of *Elias Willard*, brought down the 25th Instant,
Read and concur'd.

Report on
Petition of
Esther Spear.

The Committee on the Petition of *Esther Spear*, an Indian, made report.

Ordered, That the Petition be dismiss'd accordingly.

Upon a Motion, *Ordered*, That Major *Foster*, Mr. *Hearsey* and Col. *Buckminster*, with such as the honorable Board shall join, be a Committee to consider the State of the poor Indians in the Province, and report.

Sent up for Concurrence.

Petition of
G. Alexander.

A Petition of *Giles Alexander*, and others, Owners of a Tract of Land, called *New Stamford*, adjoining South on the Northern Boundary Line of this Province, praying that for a valuable Consideration this Court would grant them a Tract of Land lying North upon East *Hoosuck*; and also of a Gore of Land lying South on *Williamstown*, as by the Plan annexed appears.

Read and committed to Capt. *White*, Mr. *Field* and Dr. *Wadsworth*.

Upon a Motion, *Ordered*, That the Petition of *Joseph Frye*, Esq; be reviv'd, and that Mr. *Phillips* bring in a Resolve for the purpose thereof.

Report on
Petition of
G. Leonard.

The Committee on the Petition of *George Leonard*, reported.

Read and accepted, and *Resolved*, That the Petitioner serve the adverse Party, *George Trow*, with a Copy of this Petition, that he shew Cause, if any he have, on the second Wednesday of the next Session of this Court, why the Prayer thereof should not be granted.

Sent up for Concurrence.

Upon a Motion, *Ordered*, That the Order of Council on the Petition of *Charles Goodrich* be referr'd 'till To-Morrow.

Then the House adjourn'd till To-Morrow Morning Nine o'Clock.

MARTIS, 30 Die Octobris, A. D. 1770.

Bill read.

A
*** Bill for superceding and repealing the two last Paragraphs in an Act made and passed by the Great and General Court or Assembly of this Province at their Sessions begun and held at Boston on the last Wednesday in May, in the Ninth Year of his Majesty's Reign, intituled, "An Act for supplying the Treasury with the Sum of Eighty-eight Thousand one Hundred and fifty-eight Pounds, to be thence issued for discharging the public Debts, and drawing the same into the Treasury again;" and for apportioning and assessing a Tax of Twenty-five Thousand Pounds; and also for apportioning and assessing a Tax of Two Thousand five Hundred and fifty-nine Pounds seventeen Shillings, paid the Representatives for their Travel, Service and Attendance in the Great and General Court in the Year 1769.

Read the first and second Time.

A

A Petition of *Hannah Ingersol*, praying for Liberty to sell a Minor's Land, for Reasons mentioned. Petition of
H. Ingersol.

Read and *Ordered*, That the Committee for the Sale of Lands consider the same, and report.

Upon a Motion, *Ordered*, That Mr. Speaker, Mr. *Hancock*, and Mr. *Samuel Adams*, prepare a Resolve, authorising *Benjamin Franklin*, Esq; to appear as Agent for this House, agreeable to the Choice made of him on the 24th Instant, and report.

Post-Meridien.

A Petition of *Rebecca Swift*, praying for an Explanation of an Order of the General Court, in *December 1767*; and that she may enjoy her Right of Dower in the Estate of her late Husband *Nathaniel Swift*, deceased. Petition of
R. Swift.

Read and *Ordered*, That the Committee for the Sale of Lands, take this Petition into Consideration, and report.

Mr. *Phillips*, according to Order, brought in the following Resolve upon the Petition of *Joseph Frye*, Esq; viz.

Resolve on
Petition of
J. Frye, Esq;

Resolved, That the Court of General Sessions of Peace for the County of *York*, are hereby empowered to grant the Petitioner a Licence to retail Spiritous Liquors in the Township of *Fryburgh*, at their next Term, and until the Time for granting Licences in said County, by Law shall commence. Sent up for Concurrence.

A Bill for supplying the Treasury with the Sum of Seventy-six Thousand Pounds. Bill read.

Read a first Time.

A Petition of *Mary Cowell*, of *Boston*, Widow, praying that the Court of General Sessions for the County of *Suffolk*, may be empowered to grant her a Licence to retail Spiritous Liquors, the Time by Law appointed being elapsed notwithstanding. Petition of
M. Cowell.

Read and committed to Col. *Prescot*, Col. *Gerrish* and Mr. *Dennie*.

It was mov'd that the House consider the Expediency of making Choice of another Gentleman to appear as Agent for this House in Case of the Death of Dr. *Franklin*, or his Absence from *Great-Britain*. And after Consideration had thereon, *Resolved*, That this House will proceed to the Choice To-Morrow at Eleven o'Clock.

A Petition of *John Dennis*, praying for an Equivalent for a former Grant of Land lying within the Bounds of a Place called *Cox-Hall*.

Read and committed to Dr. *Holton*, Mr. *Bachelor* and Capt. *Mellen*.

A Petition of the Selectmen of *Colrain*, praying that this Court would order Provision for the Maintenance of a Pauper in said Town, and not an Inhabitant thereof. Petition of
Select-Men of
Colrain.

Read and committed to Mr. *Field*, Capt. *Whitcomb* and Capt. *Sumner*.

A Petition of the Inhabitants of the Town of *Wenham*, praying that a Sum of *Thirty-one Pounds seven Shillings and four Pence*, laid on said Town in the last Tax-Act, may be remitted for Reasons mentioned. Petition of
Inhabitants of
Wenham.

H h

Read

Read and committed to Mr. *Oliver*, Capt. *Herrick* and Mr. *Stickney*.

Then the House adjourn'd 'till To-morrow Morning Nine o'Clock.

MERCURI, 31 *Die Octobris*, A. D. 1770.

Resolve ref-
pecting the
Agent.

THE Committee appointed Yesterday to prepare a Resolve au-
thorizing *Benjamin Franklin*, Esq; to appear as Agent for
this House agreeable to the Choice made of him the 24th
Instant, reported the following Resolve, viz.

Resolved, That *Benjamin Franklin*, Esq; be and hereby is ap-
pointed and authorized, in Behalf of this House, to appear as there
shall be Occasion, before his Majesty in Council, or in either House
of Parliament, or before any publick Board in *Great-Britain*, there
to plead and defend, as the Exigency of the Case and the Service
of the Province may require, for the Space of one Year hencefor-
ward: Agreeable to such Directions or Instructions as he may from
Time to receive from the House (or from such Committee as may
by them be appointed and authoriz'd for that Purpose): Relying
on his Vigilance, and the utmost Exertion of his Abilities to sup-
port the constitutional Rights of this House and the Province; and
as far as in him lies to defend against whatsoever may tend to pre-
judice the same.

Read and accepted, and *Ordered*, That the Speaker inclose this
Resolve in a Letter and forward the same to Dr. *Franklin*, as soon
as may be.

Report on
Petition of
W. Williams Esq

The Committee on the Petition of *William Williams* and others,
reported.

Read and *Ordered*, That the Petitioner notify the Proprietors of
said Township of *Pittsfield*, by inserting the Substance of this Peti-
tion and this Order thereon, in Two of the *Boston News-Papers*, three
Weeks successively, that they shew Cause, if any they have, on the se-
cond Wednesday of the next Session of the General Court, why the
Prayer thereof should not be granted. Sent up for Concurrence.

Bill bro't down

Harrison Gray, Esq; brought down a Bill for *reviving and con-
tinuing sundry Laws expired and near expiring*, and laid the same
on the Table.

The Vote of Council on the Petition of *Charles Goodrich*.

Read and concur'd, and Mr. *Hancock*, Capt. *Fisher*, and Capt.
Mitchel are join'd to the Committee of the honorable Board.

Petition of
John Dunn,
bro't down.

James Humphrey, Esq; bro't down the Petition of *John Dun*.

Pass'd in Council, viz. In Council, *October 31*, 1770.

Read and *Ordered*, That the Petition be reviv'd, and that *Thomas
Saunders* and *Stephen Hall*, Esqrs; with such as the honorable
House shall join, be a Committee to take the same, with the Answer
and Papers into-Consideration, and report.

Sent down for Concurrence.

Read

Read and concur'd, and Major *Reed*, Col. *Murray* and Capt. *Darby*, are join'd with the Committee of the honorable Board.

A Bill *for supplying the Treasury with the Sum of Seventy-six Thousand Pounds.* Bill read.

Read the second Time, and recommitted.

Upon a Motion, *Ordered*, That Mr. *Hancock* go up to the honorable Board, to desire they would send down the Treasurer's Accounts.

Walter Spooner, Esq; brought down the Treasurer's Accounts, and laid them upon the Table.

Post-Meridiem.

Upon a Motion, *Ordered*, That Capt. *Brown*, Mr. *Ingersol* of *Great-Barrington*, and Mr. *Remington*, be a Committee to sort and count the Votes of this House for an Agent at the Court of *Great-Britain*, in Case of the Death or Absence of *Benjamin Franklin*, Esq; and the Votes being sorted and counted, the Committee reported that Dr. *Lee* was chosen by a Majority.

The House according to Order took into Consideration a Grant to his Honor the Lieutenant Governor. Grant to his Honor.

Resolved, That the Sum of *Three Hundred and twenty-five Pounds* be granted to his Honor the Lieutenant Governor for his Support, and to enable him to carry on the Affairs of this Government: And that Mr. *Hancock*, Col. *Prescot* and Mr. *Leonard*, bring in a Bill for the same Purpose.

Then the House adjourn'd till To-Morrow Morning Nine o'Clock.

JOVIS, 1 *Die Novembris*, A. D. 1770.

*** Plan of a Tract of Land granted to the Town of *Uxbridge*, Plan of Land presented for Allowance,
 *** was presented for Allowance.
 *** Read and *Ordered*, That Capt. *Fuller*, Mr. *Rawson* and Col. *Prescot*, consider the same and report.

Upon a Motion, *Ordered*, That the Tax-Bill be re-committed, and that Major *Hawley* and Mr. *Hobson* be added to the Committee.

Mr. *Hancock* from the Committee to prepare a Bill for the Support of his Honor the Lieutenant Governor, reported,

A Bill *for granting the Sum of Three Hundred and twenty-five Pounds for the Support of his Majesty's Lieutenant Governor.* Bills read.

Read the first Time, and *Ordered*, That this Bill be read again To-morrow at Eleven o'Clock.

A Bill *for supplying the Treasury with the Sum of Seventy-six Thousand Pounds.* Read again, and,

Ordered, That this Bill have the third Reading To-morrow at Eleven o'Clock.

A Bill *for reviving and continuing sundry Laws expired or near expiring.*

Read the first Time, and *Ordered*, That the Bill be read again at Three o'Clock this Afternoon. A

A Bill for reviving and making perpetual, sundry Laws expired or near expiring.

Read the first Time, and Ordered, That the Bill be read the second Time this Afternoon.

Petition of
Bridgewater,
&c. bro't down.

Harrison Gray, Esq; brought down the Petition of *Bridgewater, Middleborough and Halifax.*

Pass'd in Council, viz. In Council, November 1, 1770.

The Committee on the Petition of the Towns of *Bridgewater, Middleborough and Halifax*, having reported to the Board that the Agents for said Towns beg Leave to withdraw their Petitions.

Voted, That they have Leave to withdraw the Petitions accordingly. Sent down for Concurrence.

Petition of
Jap. Picknal
bro't down.

Harrison Gray, Esq; brought down the Petition of *Japheth Buknal*, with a report of both Houses thereon, signed *Samuel Dexter*, per Order.

Pass'd in Council, viz. in Council, Nov. 1, 1770.

Read and upon Debate Ordered That the said Petition be dismissed. Sent down for Concurrence.

Petition of
Andrew Hall.

A Petition of *Andrew Hall* of *Medford*, praying that an Allowance may be made to him for a Loss he sustain'd in the purchase of the Ship *King George*, belonging to the Province.

Read and committed to Col. *Gerrish*, Capt. *Thomas*, and Capt. *Thayer*.

Post-Meridiem.

Petition of
Inhabitants of
Taunton.

A Petition of the Inhabitants of the Town of *Taunton*, praying that a longer Time for taking Fish by Scins, may be allowed them.

Read and committed to Mr. *Dennie*, Mr. *Remington*, Capt. *Brown*, Capt. *Heath*, and Capt. *Kingsbury*.

Upon a Motion, Ordered, That Mr. *Leonard* be of the Committee to consider the State of the Province, in the Room of Col. *Worthington*, who is Absent: And that Major *Foster* be added to the Committee.

Upon a Motion, Ordered. That Mr. *Leonard* be of the Committee to bring in a Bill for the Limitation of Actions, in the Room of Col. *Worthington*, who is Absent.

Message from
His Honor.

A Message to both Houses from his Honor the Lieutenant Governor by the Secretary.

Gentlemen of the Council, and

Gentlemen of the House of Representatives,

I HAVE, with the Advice of Council, appointed a Day for Religious Worship, and I have recommended to Ministers and People to pray to GOD for his Blessing upon our public Affairs. If we are sincere in our Devotions, we may humbly hope for an Answer of Peace from a Being of infinite Perfections, who knows the true Cause of our Calamities better than we do ourselves.—

I cannot approve of a Proclamation founded upon the Reasons which you have expressed, and I know of no good Purpose which will not be fully answered by the Proclamation which I have already issued. You did not know that I had issued it when you passed your Vote, otherwise, I flatter myself you would not have desired me to issue any other.

Cambridge,
1st November, 1770.

T. Hutchinson.

Upon a Representation made in the House, that divers Articles were charg'd in the Treasurer's Accounts of the last Year, for the Payment of Money which ought not to have been allowed. It was mov'd that a Committee be appointed to enquire into the same. And Mr. *Phillips*, Capt. *Heath*, Dr. *Holton*, Mr. *Ingersol* and Mr. *Hall* were appointed accordingly.

Upon a Motion, Ordered, That the Petition of *Sylvester Richmond*, Esq; and others, Inhabitants of the Town of *Dighton*, be reviv'd.

Petition of
Inhabitants of
Dighton, reviv'd

Read and committed, together with a Memorial of *Ezra Richmond*, Esq; and others, to Mr. *How*, Mr. *Akin*, Capt. *Thurston*, Major *Godfrey* and Capt. *Thomas*.

A Petition of *William Baker*, praying for a further Allowance for his Services the last Year.

Petition of
Wm. Baker.

Read and committed to Mr. *Hancock*, Major *Bancroft* and Capt. *Thomas*.

The House according to Order taking into Consideration the Services of *Dennys De Berdt*, Esq; late Agent for the House of Representatives; and the Services of *William Bollan*, Esq; Agent for the honorable Board.

Grant to the
Agents.

Resolved, That there be allowed and paid out of the public Treasury to the Executor or Executors, Administrator or Administrators on the Estate of *Dennys De Berdt*, Esq; deceased, the Sum of *Seven Hundred and Fifty Pounds* Sterling in full for the Services he perform'd for this Province at the Court of *Great-Britain*, from *Nov. 1767* to *May 1770*: And that the Treasurer be and hereby is directed to remit the same to the Executor or Executors, Administrator or Administrators on the Estate of *Dennys De Berdt*, Esq; accordingly.

Resolved also, That there be allowed and paid out of the public Treasury to *William Bollan*, Esq; the Sum of *Three Hundred Pounds* Sterling, in full for the Services he perform'd for the Province at the Court of *Great-Britain*, from the *12th July 1769*, to the *12th July 1770*: And that the Treasurer be and hereby is directed to remit the same to *William Bollan*, Esq; accordingly: Provided that if upon Adjustment of Accounts with Mr. *Bollan* for his former Services, as Agent, a Balance should appear due to the Province, in such Case the Grant aforesaid shall not be understood as a Cession or yielding up of the Right of the Province to such Balance.

Sent up for Concurrence.

The Committee on the Petition of *David Coates* and *John Emery*, reported.

Report on
Petition of
D. Coats, &c.

Read and *Ordered*, That the further Consideration of the same be accordingly refer'd to the next Session.

Report on
Petition of
Select Men of
Wrentham

The Committee on the Petition of the Selectmen of *Wrentham*, reported that the Petition be dismiss'd.

Read and not accepted, and *Ordered*, That the Prayer of the Petition be granted, and that a Resolve be brought in for the Purpose of the same.

Then the House adjourn'd 'till To-morrow Morning Nine o'Clock.

VENERIS 2 Die Novembris, A. D. 1770.

Bill read.

*** Bill for supplying the Treasury with the Sum of Seventy-six Thousand Pounds.

*** Read the Third Time and pass'd to be engross'd.

Sent up by Mr. *Hobson*, Capt. *Herrick*, Mr. *Hall*, Capt. *Brown*, and Mr. *Ingersol* of *Great-Barrington*.

A Message to both Houses from his Honor the Lieutenant-Governor by the Secretary.

Gentlemen of the Council, and House of Representatives,

Message from
His Honor.

IT appears to me necessary that I should inform you that his Majesty's fifth Instruction to the Governor requires him to observe that in the passing of all Laws, the Stile of enacting the same be by the Governor, Council and House of Representatives, and no other. This Stile has been conformed to, except perhaps in a particular Instance or two, for near thirty Years without the least Inconvenience.

It may save you some Time and prevent Increase of public Charges, to let you know that I cannot upon any Terms depart from this Instruction. If I could be made sensible that it was the least Damage to the Province, I would humbly represent it to his Majesty.

Milton, Nov.

T. Hutchinson.

2, 1770.

Read and *Ordered*, That Mr. *Leonard*, Mr. *Samuel Adams*, Mr. *John Adams*, Major *Hawley*, and Mr. *Ingersol* of *Great-Barrington*, consider this Message, and report.

Report on
Petition of
G. Leonard
bro't down.

James Gowen, Esq; brought down the Petition of *George Leonard*. Pass'd in Council, viz. In Council, November. 2, 1770.
Read and concur'd with Amendment.

Sent down for Concurrence.

James Gowen, Esq; brought down the Petition of the Inhabitants of *Pittsfield*.

Petition of
Inhabitants of
Pittsfield
bro't down.

Pass'd in Council, viz. In Council, November. 2, 1770.
Read and concur'd with Amendment.

Sent down for Concurrence.

The

The Committee on the Petition of *Thomas Bodkin*, reported.

Report on
Petition of
Thos. Bodkin.

Read and accepted, and *Resolved*, That the Prayer be so far granted, that the Justices of the Inferior Court and of the Superior Court before whom any Action is or may be depending relating to the Lands mention'd in the Petition, be and hereby are empowered to admit the Testimonies referred to in the Petition, to be pleaded as Evidence in the Case as valid in Law, the Failure of taking the Testimonies before Two Justices Quorum Unus notwithstanding.

Sent up for Concurrence.

The Committee on the Petition of *Hezekiah Eggleston* reported.

Report on
Petition of
H. Eggleston.

Read and accepted, and *Resolved*, That the Prayer be so far granted, that the Justices of the Inferior Court and of the Superior Court before whom any Action is or may be depending, relating to the Lands mentioned in the Petition, be and hereby are empowered to admit the Testimonies referred to in the Petition, to be pleaded as Evidence in the Case, as valid in Law, the Failure of taking the Testimonies before Two Justices Quorum Unus notwithstanding.

Sent up for Concurrence.

A Petition of *James Prescott*, Esq; and others, praying that a Grant of Land may be made them in Lieu of a former Grant, which falls within the *New-Hampshire* Line.

Petition of
J. Prescott, Esq;

Read and committed to Dr. *Holten*, Col. *Gerrish*, and Mr. *Bigelow* of *Worcester*.

The Committee on the Petition of *Mary Cowel*, reported, that the Petition be dismiss'd.

Report on
Petition of
Mary Cowell.

Read and not accepted, and *Ordered*, That the Prayer be granted, and that the Justices of the Court of General Sessions of the Peace for the County of *Suffolk*, be empowered at their next Session to grant her a Licence to retail Spirituous Liquors accordingly.

Sent up for Concurrence.

The Committee on the Petition of *Samuel Welles*, Esq; reported.

Report on
Petition of
S. Welles, Esq;

Read and accepted, and *Resolved*, That the Petitioner be admitted to his Dividend on the Estate of *John Austin* and *John Austin*, jun. his not putting in his Claim in his own Name, and in the Time limited notwithstanding; and that the Interest of his Bond mention'd in the Petition being *Forty Pounds eleven Shillings and five Pence*, be also included.

Sent up for Concurrence.

A Petition of *Mary Allen*, praying for Liberty to sell Land.

Petition of
Mary Allen.

Read and committed to the Committee for the Sale of Lands.

A Petition of Mr. *William Clarke*, praying for an Allowance of Interest on certain Government Securities mention'd in the Petition.

Petition of
Wm. Clarke.

Read and committed to Mr. *Gardner* of *Stow*, Capt. *Brown* and Mr. *Dennie*.

On the Motion made by the Member for *Deerfield*, the 29th October.

Whereas it appears that the Town of Deerfield was taxed the Sum of Fifteen Pounds ten Shillings, the whole of the Representatives Pay for the Town of Deerfield, and the District of Shelburne and Conway for the last Year: And whereas it appears that Part of said Sum, viz. Two Pounds ten Shillings and four Pence ought

to

to have been laid on the District of Shelburne ; and also One Pound seventeen Shillings and six Pence, Part of said Sum, ought to have been laid on the District of Conway : Therefore,

Resolved, That the Treasurer be and hereby is directed to discharge the said Town of Deerfield of the Sum of Four Pounds seven Shillings and ten Pence, and that the same be laid on the said Districts in their several Proportions as aforesaid.

Sent up for Concurrence.

Report on
Petition of
W. Baker.

Mr. Hancock from the Committee on the Petition of William Baker, reported.

Read and accepted, and Resolved, That there be allowed and paid out of the publick Treasury to William Baker, the Sum of Twenty Pounds, in Consideration of his extraordinary Services.

Sent up for Concurrence.

Mr. Spooner had Leave of Absence.

Then the House adjourn'd 'till To-morrow Morning Nine o'Clock.

SABBATI 3 Die Novembris, A. D. 1770.

Petition of
T. Stevens.

*** Petition of Thomas Stevens, an Insolvent Debtor, praying
* A * for Relief.

*** Read and committed to Dr. Holten, Mr. Porter, and
Mr. Gardner of Stow.

Bill read.

A Bill for reviving and continuing sundry Laws expired or near
expiring.

Read the second Time.

Petition of
Greenfield
bro't down.

Walter Spooner, Esq; brought down the Petition of Greenfield,
with a Report of the Committee of both Houses thereon.

Signed, Artemas Ward, per Order.

Pas'd in Council, viz. In Council, November 3d, 1770.

Read and accepted, and Ordered, That the Petitioners have Leave
to bring in a Bill accordingly.

Sent down for Concurrence.

Petition of
S. Welles, Esq;
bro't down.

Artemas Ward, Esq; brought down the Petition of Samuel
Welles, Esq; Pas'd in Council, viz. In Council, Nov. 2, 1770.

Read and concur'd with Amendment.

Sent down for Concurrence.

Petition of
J. Williams, &c
bro't down.

Walter Spooner, Esq; brought down the Petition of James Wil-
liams and Daniel Leonard, Esqrs; in Behalf of the Town of
Taunton, with the Report of the Committee thereon.

Signed, John Bradbury, per Order.

Pas'd in Council, viz. In Council, November 3, 1770.

Read and accepted, and Ordered, That James Humphrey, Esq;
with such as the honorable House shall join, be a Committee to
repair to the Line in Dispute between the Towns of Middleborough
and Taunton, view the same, and report.

Sent down for Concurrence.

Read

Read and concurr'd, and Capt. *Fuller* and Capt. *Heath* are join'd with the Committee of the honorable Board.

Artemas Ward, Esq; brought down the Petition of *Jeremiah Fisher*, with the Order of Council thereon, viz. In Council, Petition of J. Fisher bro't down. November 3, 1770.

Read and Ordered, That this Petition be reviv'd, and that *Stephen Hall*, Esq; with such as shall be join'd by the honorable House, be a Committee to take this Petition into Consideration, and hear the Parties, giving seasonable Notice to the Respondent, or his Attorney *Samuel Kellock*, of the Time of such Hearing.

Sent down for Concurrence.

On a Motion, Ordered, That Major *Hawley*, Mr. *Hobson* and Mr. *Dennie*, be a Committee to bring in a Bill to amend the Act of 7th George III, relating to the Removal of poor Persons.

On a Motion, Ordered, That Mr. *Porter*, Dr. *Holten*, and Capt. *Herrick*, bring in a Bill for reviving an Act for allowing necessary Supplies for the Eastern Indians.

A Bill for reviving and making perpetual, sundry Laws that are expired or near expiring. Bill read.

Read the second Time.

The Committee on the Petition of *Samuel Livermore*, Esq; and others, reported.

Report on Petition of S. Livermore.

Ordered, That the said Committee bring in a Resolve for the Purpose of the Petition.

Upon a Motion, Ordered, That Mr. *Akin* and Mr. *Dennie*, be of the Committee for bringing in a Bill for the Regulation of the Alewife Fishery in *Bridgewater*, in the Room of Brigadier *Prebble* and Capt. *Keen*, who are absent.

The Committee on the Petition of the Selectmen of *Wenham*, reported.

Report on Petition of Select-Men of Wenham.

Read and accepted, and Resolved, That the Sum of *Thirty-one Pounds eleven Shillings and four Pence*, laid on said Town as Interest, be remitted to said Town for the Reasons set forth: And the Province Treasurer is hereby directed to discharge the said Town of said Sum accordingly.

Sent up for Concurrence.

The Committee on the Petition of *William Marrow* and *Adam Wheeler*, in Behalf of the Inhabitants of *Hubbard's-town*, reported.

Report on Petition of W. Marrow, &c

Read and Ordered, That the Petitioners notify the Non-resident Proprietors of *Hubbard's-town*, of the second Part of this Petition, by inserting the Substance thereof in two of the *Boston News-Papers*, viz. *Edes & Gill's* and *Draper's*, three Weeks successively, that they may shew Cause, if any they have, on the second Thursday of the next Session of this Court, why the Prayer should not be granted.

Sent up for Concurrence.

The Committee on the Petition of the Selectmen of *Colrain*, reported.

Report on Petition of Select-Men of Colrain.

Read and accepted, and Resolved, That the Prayer be so far granted, That the Treasurer be and hereby is directed to pay to the Petitioners for the Use of the Town of *Colrain*, the Sum of *Thir-*

teen Pounds ten Shillings, in full Discharge of all Demands the Town of *Colrain* has for supporting the said *John MacLauthan*.
Sent up for Concurrence.

Upon a Motion, *Ordered*, That Major *Hawley*, Mr. *Porter* and Mr. *Bigelow* of *Worcester*, be a Committee to consider the Expediency of disposing of an Island in *Connecticut* River, between *Hadley* and *South-Hampton*, and report.

The Vote of Council on the Petition of *Ebenezer Mason*, enter'd the 26th of *October*.
Read and concur'd.

Then the House adjourn'd till Monday next, Three o'Clock, P. M.

V O T E S

Of the Honorable House of Representatives.

LUNÆ 5 Die Novembris, A. D. 1770.

Bill for the Limitation of Actions and avoiding unnecessary Suits at Law. Bill read.
 A Read the first Time.
 Ordered, That the Bill be read again To-Morrow
 Ten o'Clock.

An engross'd Bill for incorporating the South Part of Westfield into a District. Bill engross'd.

Read and pass'd to be enacted.

An engross'd Bill to prevent the Obstruction or destroying the Fish called Alewives in their Passage up Madupoiset River in the Town of Rochester.

Read and pass'd to be enacted.

Upon a Motion, Ordered, That the Remainder of the Proceedings of this Court, respecting the holding the Sessions of the General Assembly out of the Town House in Boston, be publish'd in a Pamphlet.

A Petition of Noah Cooke, Administrator on the Estate of Aaron Goodrich, late of Hadley, deceased, praying for the Sale of Lands. Petition of Noah Cook.

Read and committed to the Committee for the Sale of Lands.

Then the House adjourn'd 'till To-morrow Morning Nine o'Clock.

MARTIS, 6 Die Novembris, A. D. 1770.

THE Committee on the County Treasurers Accounts, reported on the Account of the Treasurer for the County of York. Report on York County Treasurer's Account.

Read

Read and accepted, and whereas it appears that the Monies granted and allow'd by the Court of General Sessions of the Peace for said County for the Year 1769, were such as said Court was by Law empower'd to grant and allow.

Resolved, That the said Account be allow'd.

Sent up for Concurrence.

Upon a Motion, *Ordered*, That the Committee appointed to bring in a Bill respecting the Indian Trade, also bring in a Clause to revive the last Fee Bill.

The Order of Council on the Petition of *Jeremiah Fisher*, bro't down the 3d Instant.

Read and concur'd, and Mr. *Ingersol* and Mr. *Rawson* are join'd.

The Order of Council on the Petition of *Samuel Welles*, Esq; brought down the 3d Instant.

Read and concur'd.

The Committee appointed to consider his Honor's Message of the 2d Instant, reported.

Read and accepted, and *Resolved*, That the following Message be presented to his Honor the Lieutenant Governor, viz.

May it please your Honor,

Message to
His Honor.

IN your Message of the 2d Instant, you are pleased to inform the two Houses that "His Majesty's fifth Instruction to the Governor requires him to observe that in the passing of all Laws, the Stile of enacting the same be by the Governor, Council and House of Representatives, and no other." This House have taken the Importance of the Message into their serious Consideration, and are of Opinion, that the Words in *General Court assembled*, are not merely Words of Form, but of Substance, and necessary to the Validity of every Act.

By the Royal Charter, the Governor and Council are vested with some Powers severally, and jointly with other Powers of acting for certain Purposes in their Departments, when the General Court is not sitting : But for the Purpose of making Laws and Statutes, there is no Power given, either to the Governor, Council or House of Representatives to act, but when they are assembled in General Court. No Law therefore can be valid unless it be enacted by the Governor, Council and House of Representatives when thus assembled ; and this we apprehend must appear from the Parchment Roll, wherein the Act is recorded : Otherwise the Record itself is not compleat, and it will become necessary to resort to deors Evidence to prove a Fact essential to the Validity of the Act, which is against the established Rule, respecting Records. We are warranted in this Opinion from the invariable Use of the same Stile in all Acts of Parliament ; which universally contain that express Averment, that they were passed by the several Branches in Parliament assembled.

We cannot conceive any Reason why the Words should be disagreeable to his Majesty ; for we must suppose it to be his Pleasure that all Acts should pass in such Form, as is necessary to make them

them effectual. We find the Words, in *General Court assembled*, and by the *Authority of the same*, constantly and invariably used in the passing of Laws, from the Beginning of the Charter untill within thirty Years past : If your Honor should conceive that Exception was taken against the latter Words only, in the Clause, you would then conclude that it was altogether through Inadvertence, that the Instruction was made so large as to extend to the former.

This House considers the Words to be of substance and necessary ; and as they cannot but be of Opinion, that upon further Consideration they will so appear to your Honor, they hope you will think yourself at Liberty to admit them in the Passing of the Bills to be laid before you ; by which Means Time may be saved, and an Increase of publick Charges prevented.

Walter Spooner, Esq; bro't down the Petition of *Samuel Farrar*.

Pass'd in Council, viz. In Council, *November 6, 1770.*

Petition of
Sam. Farrar.
bro't down.

Read and *Ordered*, That the Prayer be granted, and that the Petitioner in his said Capacity be and he is hereby authoriz'd and empower'd to sell to as good Advantage as may be, the whole of the said Deceased's Homestead (excepting the Widow's Dower) and to give a sufficient Deed or Deeds of the same, he giving previous Notice of the intended Sale, in Time and Manner, as the Law of this Province respecting the Sale of Real Estates by Executors and Administrators doth direct : And giving Caution to the Judge of Probate for the County of *Middlesex*, that the Proceeds of said Sale, so far as shall be necessary, be apply'd for the Payment of the Debts and Charges aforesaid, and that the Overplus be distributed among the Heirs of the said Deceased, as the Law directs, and that he render to the said Judge upon Oath an Account of his Proceedings in the Premises when thereunto lawfully called.

Sent down for Concurrence. Read and concur'd.

The Secretary having been directed to lay his Majesty's fifth Instruction to the Governor on the Table, *Mr. Cotton* attended the House, and said that the said Instruction was not on File, and he suppos'd it was destroy'd when the Court-House was burnt in 1747.

Mr. Speaker from the Committee appointed to consider the State of the Province, reported a Letter to the Agent of the House.

Read and accepted, and *Ordered*, That a fair Copy thereof be made, and that the Speaker sign and forward the same as soon as may be.

Capt. Dix according to Order brought in a Resolve on the Petition of *Samuel Livermore, Esq;* and others.

Resolve on
Petition of
S. Livermore,
Esq; & others.

Read and accepted, and *Resolved*, That the Prayer of this Petition be granted ; and that there be granted to the Petitioners and their Associates, a Township of the Contents of Six Miles and three Quarters square, in some of the unappropriated Land in the Province of *Main*, to the Eastward of *Saco-River*, to satisfy the Grant of the Township, in the Petition mention'd, which they lost by the running of the Line between this Province and the Province of *New-Hampshire* ; and that the Petitioners at the Cost of them-

selves and their Associates, cause the same to be laid out by a skilful Surveyor and Chainmen under Oath, and return a Plan of the same to this Court for their Acceptance within twelve Months : And that Capt. *Heath* and Col. *Buckminster*, with such as the honorable Board shall join, be a Committee to examine the Claims which may be made to any of the former Proprietors Rights, which are either deceased or have convey'd their Rights to others, and admit such as shall make out the most equitable Claims, and return a List of their Names to this Court at the next Session, to be admitted Grantees to said Grant. And that the said Grantees shall hold the same to themselves, their Heirs and Assigns forever, upon the following Conditions, viz. That the Grantees within seven Years settle sixty Families in said Township, build a House for the publick Worship of God, and settle a learned Protestant Minister ; and lay out one sixty-fourth Part for the first settled Minister, one sixty-fourth Part for the Ministry, and one sixty-fourth Part for the Use of a School forever.

Sent up for Concurrence.

Post-Meridiem.

Petition of *J. Phillips, Esq;* A Petition of *John Phillips, Esq;* late in Command at *Castle-William*, praying for a further Continuance of the Pay of the Garrison there, late in the Pay of this Province.

Read and committed to Col. *Murray*, Mr. *Hancock*, Mr. *Pickering*, Mr. *Sprague* and Mr. *Hobson*.

A Bill to enable the District of Hubbard's-town to collect Taxes.
Read the first and second Time.

Petition of
E. Johnson.

A Petition of *Eleazer Johnson*, praying for Liberty to sell Lands.
Read and committed to the Committee for the Sale of Lands.

Petition of
S. Brand.

A Petition of *Susanna Brand*, praying for Liberty to sell Land.
Read and committed to the Committee for the Sale of Lands.

Report on
Middlesex
County Treas-
urer's Account

The Committee to consider the Accounts of the County Treasurers, reported on the Account of the Treasurer for the County of *Middlesex*.

Read and accepted, and whereas it appears that the Monies granted and allow'd by the Court of General Sessions of the Peace for said County for the Year 1769, were such as said Court was by Law empower'd to grant and allow.

Resolved, That the said Account be allow'd.

Sent up for Concurrence.

A Bill for the Revival and continuing of sundry Laws expired or near expiring.

Read the third Time, and pass'd to be engross'd.

Petition of
German Pro-
testants bro't
down.

Samuel Dexter, Esq; brought down the Petition of a Number of German Protestants.

Pass'd in Council, viz. In Council, *November 6, 1770.*

Read and Ordered, That *Thomas Hubbard, Esq;* with such as the honorable House shall join, be a Committee to take this Petition into Consideration, and report what they may think proper for this Court to do thereon.

Sent down for Concurrence.

Read and concur'd.

On

On a Motion, *Ordered*, That Mr. *Hussey* have Leave to bring in a Bill to enable the Town of *Sherburne* to choose and empower some Persons to collect Outstanding Taxes.

A Petition of the Town of *Royalston*, praying for a Tax on the Non-resident Proprietors.

Petition of
the Town of
Royalston.

Read and *Resolved*, That the Prayer be so far granted, as that the Petitioners notify the Non-resident Proprietors of said Town, by inserting the Substance of this Petition in two of the *Boston News-Papers* three Weeks successively, (viz. *Edes & Gill's* and *Draper's*) that they shew Cause, on the second Wednesday of the next Session of the General Court, why the Prayer should not be granted.

Sent up for Concurrence.

A Petition of *William Boffin*, also a Petition of *Daniel Ploomley* and *Ux*, praying for Liberty to sell Lands.

Petition of
W. Boffin, &c.

Read and *Ordered*, That these Petitions be committed to the Committee for the Sale of Lands.

The Committee to whom was referr'd the Report of a Committee of the honorable Board relative to a Deposition of *Andrew Oliver, Esq*; concerning the Proceedings at Council on the 6th and 7th of *March* last ; together with the Resolutions of Council in Consequence of said Report ; and the Depositions of divers Members of his Majesty's Council and others ; also two Petitions of the Secretary to the honorable Board, all which were sent down to this House, have considered the same. And as the said Deposition of *Andrew Oliver, Esq*; may be improved, tho' not justly, to the Injury and Disreputation of the good People of this Province, the Committee are of Opinion, that Copies of all those Papers be made and attested ; and that the same be transmitted to the Agent of this House, to be by him used as he shall think best in Defence of this Province : And that all said Papers be printed as an Appendix to the Journals of this House.

Report on
Secretary's De-
position, &c.

Read and accepted, and *Ordered*, That Copies of all said Papers be made and attested, and that the same be transmitted to the Agent of this House in *Great-Britain*, to be by him used as he shall think best in Defence of this Province ; and that they also be printed as an Appendix to the Journals of this House.

A Bill for reviving and continuing two Acts made in the fifth Year of his present Majesty's Reign, the one for allowing necessary Supplies to and regulating the Trade with the Eastern Indians ; and the other for establishing the Fees of the several Officers within this Province.

Read the first and second Time.

A Petition of the Proprietors of *Westminster*, praying to be empowered to sell certain Lands for the Reasons therein mentioned.

Petition of
Proprietors of
Westminster.

Read and committed to Mr. *Sprague*, Capt. *Barret* and Mr. *Dennie*.

The Committee on the Petition of *Noah Clap*, reported.

Read and accepted, and *Resolved*, That the Prayer be granted, and the Petitioner in his said Capacity is hereby empowered

Report on
Petition of
Noah Clap.

cute

to make Sale of the whole of the Estate mention'd in the Petition, for the most he same will fetch, and make and execute a good Deed or Deeds thereof; he observing the Rules of the Law for the Sale of Real Estates by Executors or Administrators, and giving Caution to the Judge of Probate for the County of *Hampshire*, that the Proceeds be apply'd as follows, *viz.* The Interest arising upon one Third to be annually paid to the Widow of the said Deceased, for her Dower, during her natural Life; and of the remaining two Thirds, so much as is necessary be apply'd for the Payment of the just Debts of the said Deceased, and what shall remain (if any there be) to be paid to the Children of the said Deceased, or their legal Representatives; and at the Expiration of the natural Life of the said Widow, her Third to be divided among the Heirs of the said Deceased, or their legal Representatives, according to Law. Sent up for Concurrence.

Petition of
C. Shaw.

A Petition of *Catharine Shaw*, praying for Liberty to sell certain Lands.

Read and committed to the Committee for the Sale of Lands.

Petition of
S. Livermore,
Esq; &c.
bro't down.

Samuel Dexter, Esq; brought down the Petition of *Samuel Livermore*, Esq; and others.

Pass'd in Council, *viz.* In Council, *November 6, 1770.*

Read and *Ordered*, That this Petition be referr'd to the second Tuesday of the next Session of this Court.

Sent down for Concurrence. Read and concur'd.

A Bill for *reviving and making perpetual sundry Laws expired or near expiring.*

Read the third Time, and pass'd to be engross'd.

Bills engross'd.

A Bill for *annexing a Tract of Land to the District of Montague, lying between the said District and the Town of Hatfield.*

Read the third Time, and pass'd to be engross'd.

Petition of
S. Read.

A Petition of *Samuel Read*, praying that the Court of General Sessions of the Peace may be empowered to License him to retail Spiritous Liquors.

Read and *Ordered*, That the Petition be dismiss'd.

Then the House adjourn'd till To-Morrow Morning Nine o'Clock.

MERCURI, 7 *Die Novembris*, A. D. 1770.

Report on
Petition of
Select-Men of
Wrentbam.

THE Committee on the Petition of the Selectmen of *Wrentbam*, reported.

Read and accepted, and thereupon *Resolved*, That the Prayer be granted. and that there be paid out of the publick Treasury to the said Selectmen, the Sum of *Seven Pounds nineteen Shillings and six Pence*, for Boarding, Cloathing, Lodging and Nursing the Children mention'd in the Petition; for the eldest from the 22d

September

September 1769, to 22d May 1770; the other from 27 October 1769. to 22d May 1770: And that the Selectmen of *Wrentham* be and are hereby empowered to bind out said Children, they observing and conforming themselves to the Rules of the Law for binding out poor Children, being Town Inhabitants; and their Doings in this Case shall be deem'd valid to all Intents and Purposes, as tho' special Provision had been made by Law for this Purpose.

Sent up for Concurrence.

A Petition of sundry Inhabitants of *Stoughton*, praying to be set off to the District of *Mansfield*.

Petition of
sundry Inhabi-
tants *Stoughton*.

Read and committed to Mr. *Hobson*, Capt. *White* and Col. *Noyes*.

A Petition of the Inhabitants of *Stoughtonham*, praying to be set off to the District of *Mansfield*.

Petition of
Inhabitants of
Stoughtonham.

Read and ordered to lie.

A Report of the Committee on the Account of the Treasurer for the County of *Bristol*.

Report on
Bristol
County Trea-
surer's Account

Read and accepted, and whereas it appears that the Monies granted and allow'd by the Court of General Sessions of the Peace for said County for the Year 1769, were such as said Court was by Law empower'd to grant and allow.

Resolved, That the said Account be allow'd.

Sent up for Concurrence.

A Report of the Committee on the Account of the Treasurer for the County of *Lincoln*.

Report on
Lincoln
County Trea-
surer's Account

Read and accepted. *And whereas it appears that the Monies granted and allowed by the Court of General Sessions of the Peace for said County, for the Year 1769, were such as said Court was by Law empowered to grant and allow:*

Resolved, That the said Account be allowed.

Sent up for Concurrence.

A Petition of *Josiah Wright*, praying that this Court would make him a Recompence for the Loss of a Horse in the Service of the Province.

Petition of
J. Wright.

Read and dismiss'd.

Upon a Motion, *Ordered*, That Mr. Speaker, Mr. *Hancock*, Mr. *Hall*, Mr. *Samuel Adams*, and Mr. *John Adams*, be a Committee of Correspondence, to communicate such Intelligence as may be necessary, to the Agent and others in *Great-Britain*; and also to the Speakers of the several Assemblies thro' the Continent, or to such Committee of Correspondence as they have, or may appoint. Said Committee from Time to Time to report the whole of their Correspondence to the House of Representatives, and to confer with such Committee as the honorable Board have appointed to correspond with their Agent, as far as they shall judge it necessary.

Committee for
Correspon-
dence.

A Bill to enable the Inhabitants of *Hubbardstown* to collect Taxes.

Read the third Time, and pass'd to be engross'd.

M m

A

Bill engross'd. A Bill to revive the Act for supplying the Eastern Indians, and regulating the Trade with them; and also the Act for establishing the Fees of the several Officers within this Province.

Read the third Time, and pass'd to be engross'd.

Bill read. A Bill for the Limitation of Actions, and preventing unnecessary Law-Suits.

Read the second Time.

Report on Petition of S. Richmond. The Committee on the Petition of Sylvester Richmond, Esq; and others, and the Memorial of Ezra Richmond, Esq; and others, reported.

Resolved, That the Petitioners notify the Inhabitants of Dighton, by serving them with attested Copies of the Petition and Memorial, to shew Cause, on the second Tuesday of the next Session, why the Prayer should not be granted: And the Constables of said Town are directed not to make any Distress or Distresses in the mean Time.

Sent up for Concurrence.

Report on two Plans in Uxbridge. The Committee on two Plans of Land, laid out to the Town of Uxbridge, reported.

Read and accepted, and Resolved, That the said Plans, both together containing seven Hundred and fifty Acres, as delineated and described thereon, be confirmed to the said Town of Uxbridge, and their Assigns for ever, in Lieu of, and in full Satisfaction for five Hundred Acres granted to them in 1737, which fell into the New-Hampshire Line, provided they do not exceed seven Hundred and fifty Acres, nor fall within any former Grant.

Sent up for Concurrence.

Report on Petition of C. Alexander. The Committee on the Petition of Giles Alexander, reported.

Read and ordered to lie accordingly.

Order on S. Porter's Petition.

The Secretary laid on the Table the Petition of Samuel Petter, and others.

Ordered, That the Petition be revived, and committed to Mr. Hobson, Capt. White, and Col. Noyes.

Mr. Porter from the Committee appointed to carry a Message to his Honor the Lieutenant Governor, reported that the Message was delivered accordingly.

James Gowen, Esq; brought down the Petition of Dighton.

Petition of Dighton bro't down.

Pass'd in Council, viz. In Council November 7, 1770.

Read and concurr'd with Amendment.

Sent down for Concurrence.

Read and concurr'd.

Report on Petition of J. Phillips, Esq

The Committee on the Petition of John Phillips, Esq; reported, That the Establishment of Wages for the Garrison at Castle-William, late in the Pay of this Province, so far as relates to himself, and those that were under him, be continued 'till the 20th of December next ensuing.

Accepted, and sent up to the honorable Board for their Concurrence.

Post-Meridiem.

A Bill to establish a Tole on the Bridge over York-River.

Read

Read the third Time, and the Question being put, Whether the Bill pass to be engross'd? *Resolved* in the Negative.

A Bill to exempt the People called Quakers and Anabaptists from paying ministerial Taxes. Read the first Time.

The Committee on the Petition of *Hannah Punchard*, and others, reported. Report on
Petition of
H. Punchard.

Read and *Resolved*, That the Prayer be granted, and that the Petitioners be empowered to make Sale of the Real Estate in said Petition mentioned, for the most it will fetch; and execute a good and sufficient Deed or Deeds thereof; they observing the Rules of the Law for the Sale of Real Estates by Executors and Administrators, and giving sufficient Security to the Judge of Probates for the County of *Essex*, that the Proceeds, after the just Debts are paid, shall be applied as mentioned in and by the Will of the Testator.

Sent up for Concurrence.

The Committee on the Petition of *Rebecca Swift*, reported.

Report on
Petition of
R. Swift.

Read and accepted, and *Resolved*, That the Prayer be granted, and the said *Rebecca* shall be entitled to the Benefit of the Interest of one-third Part of the Proceeds of the Sale of the Real Estate in her Petition mentioned, annually, for her Support, during her natural Life; and after her Decease, the said one-third shall be divided to and among the Children of her deceased Husband, or their legal Representatives, agreeable to Law; any Thing in the Order of the General Court in her Petition mentioned notwithstanding.

Sent up for Concurrence.

The Committee on the Petition of *Mary Allen*, reported.

Report on
Petition of
Mary Allen.

Read and accepted, and *Resolved*, That the Petitioner be and hereby is empowered to make Sale of the whole of the Real Estate in her Petition mentioned, for the most it will fetch; she observing the Rules of the Law for the Sale of Real Estates by Executors and Administrators, and giving Security to the Judge of Probates for the County of *Middlesex*, that the Proceeds of said Sale be apply'd as follows, viz. That the Petitioner, the Widow, shall have the Use of one Third thereof for her Support, in Lieu of her Dower, during her natural Life; and the Remainder shall be apply'd for the Payment of the Debts of the Deceased; and the Residue, after the said Debts are paid, together with the Widow's Third after her Decease, be for the Benefit of the Heirs, agreeable to Law.

Sent up for Concurrence.

The Committee on the Petition of *Nathan Mackintyre*, reported.

Report on
Petition of
N. Mackintyre.

Read and accepted, and *Resolved*, That the Petitioner be and hereby is fully empowered to sell the Estate in his Petition mentioned, for the most it will fetch, and execute a good and sufficient Deed or Deeds thereof; he observing the Rules of the Law for the Sale of Real Estates by Executors and Administrators, and giving sufficient Security to the Judge of Probate for the County of *Worcester*, that he will apply the Proceeds of said Sale for the Payment of the said Mortgage, and the other Debts of the said Deceased; and the Residue to the Heirs of the Deceased, according to Law.

Sent up for Concurrence. The

Report on
Petition of
J. Whitmore.

The Committee on the Petition of *Jeremiah Whitmore*, reported.
Read and accepted, and *Resolved*, That the Prayer be granted, and that the Petitioner be and hereby is empowered to make Sale of the Real Estate in his Petition mentioned, for the most it will fetch, and to make & execute a good & sufficient Deed or Deeds thereof, he observing the Rules and Directions of the Law for the Sale of Real Estates by Executors and Administrators, and first giving sufficient Security to the Judge of Probates for the County of *Worcester*, that the Proceeds shall be applied as follows, viz. That the Debts due from said Estate be paid; and the Residue thereof be paid to the Guardians of the Children of the deceased, to be by them put to Interest for the Use of said Children, and paid to them when of Age respectively, or they can by Law inherit.

Sent up for Concurrence.

Report on
Petition of
O. Whitney.

The Committee on the Petition of *Oliver Whitney*, reported.
Read and accepted, *Resolved*, That the Prayer be granted, and that the Petitioner be empowered to sell the Real Estate mentioned in the Petition, for the most it will fetch, and make and execute a good Deed or Deeds thereof, observing the Rules and Directions of the Law for the Sale of Real Estates by Executors or Administrators, and giving Security to the Judge of Probate for the County of *Worcester*, that the Proceeds of said Sale be applied as follows, viz. for the Payment of said deceased's Debts, which the Personal Estate is not sufficient to pay, and for the Support of the said Child, under the Direction of the said Judge; and the Residue to be divided to and among the legal Heirs of the deceased, according to Law.

Sent up for Concurrence.

Report on
Petition of
H. Robins.

The Committee on the Petition of *Hannah Robins*, reported.
Read and accepted, *Resolved*, That the Prayer be granted, and that the Petitioner be and hereby is empowered to sell the whole of the Estate mentioned in the Petition, for the most it will fetch, observing the Rules of the Law for the Sale of Real Estates by Executors and Administrators, and giving Security to the Judge of Probates for the County of *Hampshire*, that the Proceeds shall be as follows, viz. That the Widow shall be allowed one third Part of the same for her Use annually, during her natural Life, in Lieu of her Dower: And the Residue be applied for the Payment of the Debts of the deceased, and the Overplus, together with the one Third Part allowed to the Widow, after her decease (the Debts first paid) be divided to, and among the Heirs of the deceased, or their legal Representatives.

Sent up for Concurrence.

Report on
Petition of
M. Davis.

The Committee on the Petition of *Martha Davis*, reported.
Read and accepted, *Resolved*, That the Prayer be granted, and that the Petitioner be and hereby is empowered to sell the whole of the Real Estate mentioned in the Petition for the most it will fetch; observing the Rules of the Law for the Sale of Real Estates by Executors and Administrators, and giving Security to the Judge of Probate for the County of *Worcester*, that the Proceeds of said Sale be applied as follows, viz. That the Widow shall be allowed the Use

Use of one Third Part in Lieu of her Dower, during her natural Life, and the Residue be applied for the Payment of the deceased's Debts ; and the Overplus, if any be, together with the Widow's Third after her decease, shall be for the Benefit of the Children of the deceased according to Law, all his just Debts being paid as aforesaid.

Sent up for Concurrence.

The Committee on the Petition of *Hannah Ingersol*, reported.

Report on
Petition of
H. Ingersol.

Read and accepted, *Resolved*, That the Petitioner be & she hereby is accordingly fully empowered to sell the Estate in her Petition mentioned, for the most it will fetch, and make and execute a good Deed or Deeds thereof, she observing the Rules of the Law for the Sale of Real Estates by Executors and Administrators, and giving Security to the Judge of Probate for the County of *Bristol*, that she will apply the Proceeds of said Sale for the Benefit of the Child mentioned in her Petition, in such a Manner as the Judge of Probate for said County shall from Time to Time order and direct.

Sent up for Concurrence.

A Petition of *Bryant Gaul* of *Sherburne*, praying that he may be allowed for his Attendance as a Witness in a capital Cause mentioned in his Petition.

Petition of
Bryant Gaul.

Read and committed to Capt. *Thomas*, Major *Hawley*, and Mr. *Gardner* of *Stow*.

A Petition of *Nathaniel Littlefield* and *Amariah Harris*, praying to be set off to a certain Precinct in *Bridgewater*.

Petition of
N. Littlefield &c

Read and *Ordered*, That the Member for *Dedham* bring in a Bill for the Purpose of the Petition.

The Committee on the Petition of the Proprietors of *Westminster*, reported.

Report on
Petition of
Proprietors of
Westminster.

Ordered, That the Petitioners have Leave to bring in a Bill for the Purpose of their Petition.

Upon a Motion, *Ordered*, That Capt. *Fuller*, Mr. *Gardner* of *Stow*, and Capt. *Dix*, be a Committee to prepare a List of the Travel and Attendance of the Members of this House during the several Sessions of this Court.

A Bill for granting the Sum of Three Hundred and twenty-five Pounds, for the Support of his Honor the Lieutenant-Governor.

Bill read.

Read the second, and third Time, and pass'd to be engross'd.

A Petition of *William Billings*, praying that he may have the exclusive Privilege of selling a Book of Church-Musick, compos'd by himself, for a certain Term of Years.

Petition of
W. Billings.

Read and committed to Mr. *Gardner* of *Stow*, Col. *Prescott* and Capt. *Dix*.

Then the House adjourn'd 'till To-morrow Morning Nine o'Clock.

Jovis, 8 Die Novembris, A. D. 1770.

Report on
Petition of
S. Dexter, Esq;

THE Committee on the Petition of *Samuel Dexter*, Esq; and
others, reported.

Read and accepted, and *Resolved*, That there be paid
out of the public Treasury as follows, viz.

To *Samuel Dexter*, Esq; the Sum of *thirteen Pounds nineteen Shillings*.

To *James Humphrey*, Esq; *six Pounds nineteen Shillings and six Pence*.

To said Committee, for the Use of *Seth Blodget*, his Account
for the Use of his House, Diet, &c. *seven Pounds fourteen Shil-
lings and six Pence*.

To the said Committee for the Use of *Nathaniel Gorham*, his
Account for casting Accounts, &c. *fifteen Pounds sixteen Shillings*.

To be in full for their respective Services.

And that the further Consideration of the Petition, so far as
respects the Account of Capt. *Edward Sheaff*, (one of the Petition-
ers) be referr'd to the next Session.

Sent up for Concurrence.

The Committee on the Petition of *Jonathan Pagin*, an Indian,
reported that the Petition be dismiss'd.

Ordered, That the Petitioner have Leave to withdraw his Petition.

Petition of
N. Conant.

A Petition of *Nathaniel Conant*, praying that he may be allowed
a Pension, for the Reasons set forth.

Petition of
John Dun,
bro't down.

Read and committed to Mr. *Phillips*, Mr. *Hearsey* & Mr. *Akin*.
Artemas Ward, Esq; brought down the Petition of *John Dun*,
with the Report of a Committee thereon.

Pass'd in Council, viz. In Council *November 8, 1770*.

Read and *Ordered*, That the Petition be dismiss'd accordingly.

Sent down for Concurrence. Read and concurr'd.

Petition of
Select-Men of
Wenham,
bro't down.

Artemas Ward, Esq; brought down the Petition of the Select-
Men of *Wenham*.

Pass'd in Council, viz. In Council *November 8, 1770*.

Read and nonconcur'd; and *Ordered*, That the Petition be dis-
miss'd. Sent down for Concurrence.

Petition of
T. Bodkin,
bro't down.

Artemas Ward, Esq; brought down the Petition of *Thomas Bodkin*.

Pass'd in Council, viz. In Council *November 7, 1770*.

Read and concurr'd as taken into a new Draft.

Sent down for Concurrence.

Read and nonconcur'd, and the House adhere to their Vote, with
Amendment at A. Sent up for Concurrence.

Petition of
H. Eggleston
bro't down.

Artemas Ward, Esq; brought down the Petition of *Hezekiah
Eggleston*. Pass'd in Council, viz. In Council *November 7, 1770*.

Read and concurr'd as taken into a new Draft.

Sent down for Concurrence.

Read and nonconcur'd, and the House adhere to their own Vote
with Amendment at A. Sent up for Concurrence.

Artemas

Artemas Ward, Esq; brought down the Petition of *David Ingersol*, with the Report of a Committee, signed

Petition of
D. Ingersol,
bro't down.

Thomas Saunders, per Order.

Pass'd in Council, viz. In Council November 8, 1770.

Read and accepted, and *Ordered*, That the Prayer be so far granted, that the Right and Title to the Lands mentioned and described in said Petition, be confirmed to him the said *David Ingersol*, his Heirs and Assigns for ever, in as full and effectual a Manner, as if the Decd of Release and Quit-Claim (given by a Committee of the General Court, appointed in April 1755, to dispose of the Right, Title and Estate of this Province to all Lands Westward of *Sheffield* and *Stockbridge*, as far as the Province of *New-York*, and as far Northward as the North Bound of *Stockbridge*) had been executed, and the report of said Committee had been accepted in Season.

Sent down for Concurrence, Read and concurr'd with Amendment at A.

A Bill for the Limitation of Actions, and preventing unnecessary Law-Suits. Bill read.

Read the third Time, and pass'd to be enacted.

Post-Meridiem.

The Committee appointed to enquire into the Manner in which the Garrison at *Castle-William*, late in the Pay of this Province was discharg'd; and a Garrison of his Majesty's regular Forces placed there, reported an Affidavit of Capt. *Phillips*, and another of Mr. *Stephen Hall*, taken before *Joseph Lee* and *William Kneeland*, Esq's; Justices of the Peace, Quorum Unus.

Read and *Ordered*, That the Committee to consider the State of the Province, take these Papers into Consideration, and report.

The House took into Consideration the Commissary's Account of Stores at *Castle-William*.

Ordered, That Capt. *Heath*, Major *Foster* and Capt. *Brown* further consider the same, and report.

A Message from his Honor the Lieutenant-Governor, by the Secretary, viz.

Gentlemen of the House of Representatives,

IN your Message to me of the 6th Instant you have declared yourselves of Opinion that the Words in General Court assembled, are not meerly Words of Form in our Laws, but of Substance and necessary to the Validity of every Act.

Message from
His Honor.

If your Opinion had been well founded I should have thought it surprizing as well as unfortunate, that such a Discovery should, during thirty Years together, have escaped the Members of the several General Assemblies, all the Gentlemen of the Law concerned in our executive Courts, and all the Inhabitants of the Province in general. But it appears to me that there is not the least Foundation for your Opinion. The Stile of a Law which expresses the Governor, Council

cil and House of Representatives, expresses that Authority which, by Charter, hath Power to make Laws, and the same Reason which you urge, for adding the Words in General Court assembled, will hold as well for further adding—by the King's Writ—under the Province Seal—signed by the Governor—issued thirty Days before the convening, together with all the other Requisites for forming a constitutional General Court; for in all these Cases, if the Facts do not appear upon the Roll, it may be as necessary to make use of dehors Evidence as in the Case when the Words in General Court assembled are not inserted; but I am of Opinion this Sort of Evidence never was and probably never will be necessary in either Case.

You will not be able to support your Assertion that Acts of Parliament universally contain this express Averment that they were passed by the several Branches in Parliament assembled.

Many ancient Statutes without this Clause are equally in Force with modern Statutes which have the Clause, and modern Acts of this Province without the Clause you contend for, are equally in Force with ancient Acts which have that Clause.

I am not acquainted with the special Reason which induced his Majesty to restrain the Governor from consenting to an Act with this Clause in it. Perhaps it was merely because it is unnecessary and redundant. Be it as it may, I cannot depart from my instruction nor make my humble Application that it may be withdrawn, unless I could see that it is an Abridgement of your Rights or tended to subject the Province to Inconvenience.

I cannot help, as you have given me Occasion for it, putting you in Mind that you are now in the seventh Week of the Session and that scarce any of the publick Business is yet compleated. I doubt not the House, in general, wish to return to their private Affairs, and I have Reason to think your Constituents in all Parts of the Province wish to see all Obstructions to your giving greater Dispatch removed. I must therefore repeat my Recommendation to you that in Concurrence with the Council, who I am very sure are disposed to do their Part, you will prepare the Business now before the Court to be laid before me, that the Session may be brought to an End as soon as possible.

Cambridge,

8th November, 1770.

T. Hutchinson.

Read and Ordered, That Major Hawley, Mr. Allen, Mr. Samuel Adams, Mr. Porter, and Mr. Hancock, consider the Message, and report.

The Bill for granting the Sum of Three Hundred and Twenty Five Pounds, for the Support of his Honor the Lieutenant-Governor, was sent up to the honorable Board, by Mr. Hall, Mr. Porter, Mr. Hearsay, Mr. Hufsey and Mr. Wood.

Walter Spooner, Esq; brought down the Petition of Rebecca Swift. Pass'd in Council, viz. In Council November 8, 1770.

Read and concurr'd, as taken into a new Draft.

Sent down for Concurrence. Read and concurr'd.

The

Petition of
R. Swift,
bro't down.

Upon a Motion, *Ordered*, That Mr. *Hancock* go up to the honorable Board to desire that all Bills sent up and not pass'd upon, may be sent down. Who return'd that he had deliver'd the Message.

Message to the Board.

James Humphrey, Esq; bro't the said Bills down and laid them on the Table.

The Committee appointed the third Instant, to consider the Expediency of making Sale of a certain Island in *Connecticut* River within this Province, reported.

Committee for Sale of Land.

Read and accepted, and *Resolved*, That Major *Hawley* and Mr. *Porter*, with such as the honorable Board shall join, be a Committee to make Sale at Public Vendue, of a certain Island lying between that Part of *North-Hampton*, called *Old Rainbow*, and that Part of *Hadley*, called *Fort-Meadow*; consisting of three or four Acres of good improveable Land, and about as much more, that is likely to be in a short Time fit for Improvement: And that the said Committee be, and hereby is authorized in Behalf of this Province, to convey the said Island by Deed to the highest Bidder, and to give the Purchaser such Credit, or Day of Payment of the Purchase Consideration, or Part thereof, on good Security, to the Province Treasurer, for the Use of the Province; and upon Interest from the Time of Sale, as they shall judge will be most for the Interest of the Province.

Sent up for Concurrence.

Then the House adjourn'd 'till To-morrow Morning Nine o'Clock.

VENERIS 9 Die Novembris, A. D. 1770.

Bill to enable the Proprietors of Westminster, to collect certain Taxes.

Bills read.

Read the first and second Time.

A Bill for superceding and repealing the two last Paragraphs in an Act made and passed by the Great and General Court or Assembly of this Province at their Sessions begun and held at Boston on the last Wednesday in May, in the Ninth Year of his Majesty's Reign, intituled, "An Act for supplying the Treasury with the Sum of Eighty-eight Thousand one Hundred and fifty-eight Pounds, to be thence issued for discharging the public Debts, and drawing the same into the Treasury again;" and for apportioning and assessing a Tax of Twenty-five Thousand Pounds; and also for apportioning and assessing a Tax of Two Thousand five Hundred and fifty-nine Pounds seventeen Shillings, paid to the Representatives for their Travel, Service and Attendance in the Great and General Court in the Year 1769.

Read the third Time, and pass'd to be engross'd.

Sent up by Capt. *Thayer*, Dr. *Wadsworth*, Col. *Prescot*, Mr. *Pickering* and Col. *Noyes*.

O o

A

Petition of *E. Davis, Esq;* A Petition of *Edward Davis, Esq;* praying that he may at this Time render an Account of his Guardianship of the *Dudley Tribe* of Indians.

Read and committed to Major *Godfrey*, Mr. *Ingersol* of *Great-Barrington*, Mr. *Bancroft*, Mr. *Gardner* of *Cambridge*, and Capt. *Mellen*.

Bill bro't down *Walter Spooner, Esq;* brought down the Bill for regulating the *Alewive Fishery* in the Town of *Bridgwater*.

Pas'd in Council, viz. In Council *November 9, 1770.*

Read and pas'd a Concurrence to be engross'd, with Amendment.

Read and non-concur'd, and the House adhere to their own Vote.

Sent up for Concurrence.

Bill read. A Bill to enable the Town of *Sherburne*, to choose a Collector of Taxes.

Read three Times and pas'd to be engross'd.

Sent up for Concurrence.

Member returned for *Almsbury.* *Jonathan Bagley, Esq;* return'd a Member for the Town of *Almsbury*, in the Room of Mr. *Jonathan Barnard*, deceased; made his Appearance in the House.

Ordered, That Col. *Whitcomb* attend him to the Gentlemen appointed to administer the Oaths, &c.

Who reported that Col. *Bagley* had taken the Oaths, and subscribed the Declaration required by Act of Parliament, and then he took his Seat.

Vote of Council bro't down. *Stephen Hall, Esq;* brought down the following Vote of Council, viz. In Council *November 9, 1770.*

Resolved, That *William Brattle, Thomas Hubbard*, and *Joshua Henshaw, Esq's;* with such as the honorable House shall join, be a Committee to repair to the Treasurer's Office in the Recess of the Court, take an Account of the Government Securities which have been redeemed, and see the same consum'd to Ashes, and report at the next sitting of the Court.

Sent down for Concurrence.

Bill bro't down *Joshua Henshaw, Esq;* brought down the Bill to revive the Act for regulating the Indian Trade, and for regulating the Fees of the several Officers within the Province.

Pas'd in Council, viz. In Council, *November 9, 1770.*

Read and concurr'd with Amendment.

Sent down for Concurrence.

Post-Meridiem.

Petition of *Rev. S. Badger.* A Petition of the *Rev. Stephen Badger*, praying for an Allowance of sundry Accounts mentioned therein, for the Maintenance of an Indian Woman.

Read and committed to Capt. *Fuller*, Capt. *Thayer* and Mr. *Bigelow* of *Weston*.

Petition of *J. Fisher* bro't down. *James Humphrey, Esq;* bro't down the Petition of *Jeremiah Fisher*, and a report of a Committee thereon, signed,

Stephen Hall, per Order.

Pas'd

Pass'd in Council, viz. In Council *November 9, 1770.*

Read and *Ordered*, That the Petition be dismiss'd accordingly.

Sent down for Concurrence.

Walter Spooner, Esq; brought the Petition of *Robert Wheaten*, and the Report of a Committee, signed, *Artemas Ward*, per Order. Petition of
Rob Wheaten
bro't down.

Pass'd in Council, viz. In Council *November 8, 1770.*

Read and *Ordered*, That the Petition be dismiss'd.

Sent down for Concurrence. Read and non-concur'd, and *Ordered*, That the Petition be re-committed.

Walter Spooner, Esq; brought down the Petition of *Charles Goodrich*, and the Report of a Committee, signed, Petition of
C. Goodrich
bro't down.
Artemas Ward, per Order.

Pass'd in Council, viz. In Council *November 8, 1770.*

Read and accepted, and *Ordered*, That the Prayer be so far granted, that the Report of the Referees mentioned, and the Judgment awarded thereon, be set aside, and made void ; and that there be a Re-hearing of the same Cause before the Inferior Court of Common Pleas, to be holden in the County of *Berkshire*. And that the Justices of the said Court be and hereby are empowered and directed to hear said Cause, make up Judgment, and award Execution thereon, as fully to all Intents and Purposes whatever, as if said Judgment had never been given. Sent down for Concurrence.

Read and concurr'd with Amendment.

Sent up for Concurrence.

Upon a Motion, *Ordered*, That Mr. *Ingersol* of *Great-Barrington*, Mr. *Hall*, Mr. *Allen*, Col. *Prescot* and Col. *Bagley*, be a Committee to enquire into the Expences the Town of *Boston* were at, in hiring a Vessel to carry to *London* an Account of the Murders committed on the Fifth of *March* last, and report to this House.

James Gowen, Esq; brought down the Bill to enable the Proprietors of *Hubbard's-Town* to collect Taxes. Bill bro't down

Pass'd in Council, viz. In Council *November 9, 1770.*

Read a first Time. Read a second Time, and passed a Concurrence to be engross'd with Amendments.

Sent down for Concurrence.

Mr. *Gardner*, from the Committee appointed to consider the Accounts of building a Light-House in *Plymouth-Harbour*, reported. Report on
Accounts of
Plymouth Light
House.

Read and referr'd to the Consideration of the Committee appointed to see to the Building said Light-House.

The Committee appointed to consider that Part of his Honor's Message of the 16th of *October* last, which recommends to this House the making a proper Establishment for two Persons to be retained at *Castle-William*, to take Care of the Stores ; and inform of all Vessels, Outward and Inward Bound, reported.

That as his Honor by an Order of the 10th of *September* last, directed to the commanding Officer of *Castle-William*, informing him, that he had received by a Letter from the Right Hon. the Earl of *Hillsborough*, a Signification of his Majesty's Pleasure, that the Company doing Duty in *Castle-William* be withdrawn ; and that

that the Possession of the Fort be delivered to an Officer of the Regular Forces, and that the Garrison consist of those Forces. By this Order it appears that the whole Garrison was to be withdrawn, those who had the Care of the Stores as well as others : That by Military Rules, the Garrison or Guard in Possession, are accountable for those Things delivered to them.

And whereas in Obedience to said Order, the Provincial Garrison have been dismiss'd, and the Fortrefs and Stores delivered to and in Possession of the Officer commanding the King's Troops on Castle-Island : And inasmuch as a true Inventory of the Stores and Implements of said Fortrefs hath been taken, and is in the Possession of the Commissary General of this Province : The commanding Officer must therefore be accountable to the Province for them. An Establishment for the other Person mentioned, does not appear needful ; it is therefore the Opinion of the Committee that the Establishment recommended is not Expedient.

Read and accepted.

Upon a Motion, *Ordered*, That Capt. King be of the Committee on the Petition of *Edward Davis*, Esq; in the Room of Mr. *Ingersol*, who is excused.

The Committee on the Petition of *Andrew Hall*, reported.

Ordered, That the Petitioner be heard on the Floor of the House.

Then the House adjourn'd till To-Morrow Morning Nine o'Clock.

SABBATI IO Die Novembris, A. D. 1770.

Bill read.

A
*** Bill for empowering the Commissioners and Assignees of the Estates of concealed and absconding Debtors, and all others concerned, to compleat the Business assigned them by an Act made and passed in the thirty-first Year of the Reign of his late Majesty King George the Second, intituled, " An Act providing Remedy for Bankrupts and their Creditors."

Bill read.

Read the first, second, and third Time, and pass'd to be engross'd.
A Bill to enable the Proprietors of the Town of Westminster, to collect certain Taxes.

Read the third Time, and pass'd to be engross'd.

Mr. *Ingersol* of *Great-Barrington*, moved the House, that a Committee be appointed to prepare a Bill, in the Recess of the Court, empowering a Justice of the Peace to take Confession of a Debtor, for any Sum under Ten Pounds, render Judgment, and award Execution thereon.

Ordered, That Mr. *Ingersol* prepare a Bill accordingly.

Establishment
for Castle
William.

The Committee to consider of a proper Establishment for Forts and Garrisons, reported.

Read and accepted.

Resolved, That there be an Establishment for fifty Men, Officers included, for the Defence of *Castle-William*, and that their Wages be

be fixed at the following Rates, to continue from the 20th Day of June last, to the 10th of September last, -viz.

For one Captain, per <i>Annum</i> ,	£. 56	3	10
For one Lieutenant, per ditto,	28	11	5
For one Chaplain, per ditto,	33	6	8
For one Gunner, per ditto,	45	6	8
For one second Gunner, per ditto	33	6	8
For one Armourer, per Month,	2	4	6
For two Serjeants, per ditto,	1	12	0
For six Quarter-Gunners, per ditto, each	1	12	0
For four Corporals, per ditto, each	1	9	4
For one Drummer, per ditto,	1	9	4
For thirty-one Privates, per ditto each.	1	4	0

Also *Resolved*, That there be an Establishment for twenty-six Men Officers included, for Fort-Pownall, at Penobscot, and that their Wages be fixed at the following Rates to continue for one Year, from the 20th of June last.

For one Lieutenant, per Month,	£. 2	10	0
For one Chaplain, per ditto,	4	0	0
For an Interpreter, per ditto,	2	10	0
For one Gunner, per ditto,	2	5	0
For one Armourer, per ditto,	1	10	0
For one Serjeant, per ditto,	1	10	0
For twenty Privates, per ditto, each	1	4	0

Sent up for Concurrence.

A Bill to exempt the People called Quakers and Anabaptists from paying ministerial Taxes. Bill read.

Read the second Time, and recommitted for Amendment.

John Bradbury, Esq; brought down the Petition of Charles Goodrich. Pafs'd in Council, viz. In Council November 9, 1770. Petition of C. Goodrich bro't down.

Read and concurr'd with Amendments.

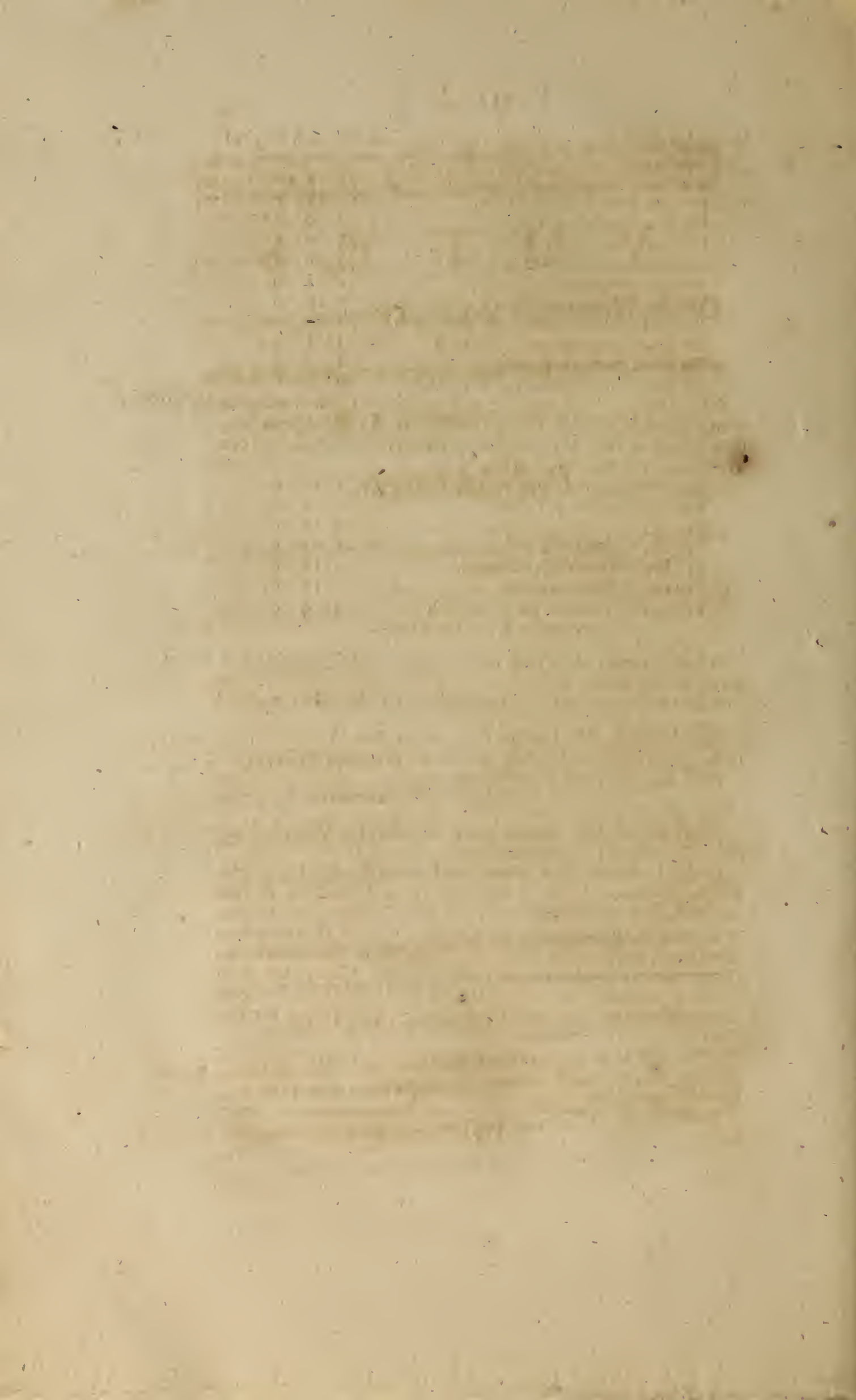
Sent down for Concurrence.

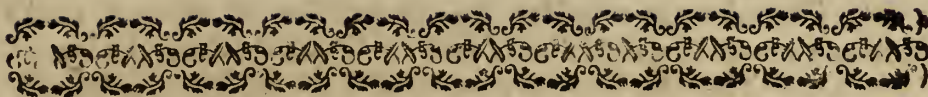
James Gowen, Esq; brought down the following Vote of Council, viz. In Council, November 10, 1770. Vote of Council bro't down.

Ordered, That William Brattle and James Russell, Esqrs; with such as the honorable House shall join, be a Committee to take that Paragraph of his Honor's Speech into Consideration, relating to a Grant of Land made by the General Court in their Session in March last, and to other Settlements Eastward of Sagadahock, particular Notice of which has been taken, as his Honor has been pleased to represent to the two Houses in his said Speech. And that the said Committee report what they judge proper for this Court to do in said Affair.

Sent down for Concurrence.

Then the House adjourn'd till Monday next, Three o'Clock, P. M.





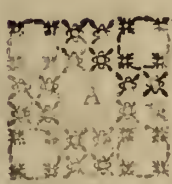
V O T E S

Of the Honorable House of Representatives.



LUNÆ 12 Die Novembris, A. D. 1770.

Post-Meridiem.

 AN Engross'd Bill for annexing a Tract of Land to the Bill engross'd
District of Montague.

Read and pass'd to be enacted.

An engross'd Bill for reviving and continuing sundry
Laws expired or near expiring.

Read and pass'd to be enacted.

An engross'd Bill for granting the Sum of Three Hundred and
Twenty-five Pounds for the Support of his Honor the Lieutenant-
Governor.

Read and pass'd to be enacted.

An engross'd Bill for reviving and making perpetual sundry Laws.

Read and pass'd to be enacted.

The Vote of Council brought down on Saturday last for a Com-
mittee to consider a Paragraph in his Honor's Speech.

Vote of Coun-
cil bro't down.

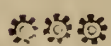
Read and concurr'd, and Mr. Ingersol of Great-Barrington, Col.
Gerrish and Capt. Heath are joined.

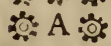


A Bill to exempt the Quakers and Anabaptists from paying mini-
sterial Taxes. Bill read.

Read the second Time.

Then the House adjourn'd 'till To-morrow Morning Nine o'Clock.

MARTIS, 13 Die Novembris, A. D. 1770.

 Bill to set off Nathaniel Littlefield and Amariah Harris, Bill read.

 A  from the South Precinct in Stoughton, to the North Pre-
 cinct in Bridgewater.

Read the first, second, and third Time, and pass'd to be engross'd.

The

- Report on Treasurer's Account The Committee to consider certain Articles of Charge in the Treasurer's Accounts for Monies paid by Warrant—reported.
Ordered, That the Secretary attend this House.
- Report on Petition of E. Davis, Esq; The Committee on the Petition of *Edward Davis*, Esq; reported.
Ordered, That the further Consideration thereof be referr'd to the next Session.
- Message to the Board. Upon a Motion, *Ordered*, That Mr. *Adams* go up to the honorable Board to propose a certain Amendment on the engross'd Bill to prevent the obstructing or destroying the Fish called Alewives in their Passage thro' *Madupoiset*-River.
 Who returned that he had delivered the Message.
- Bills engross'd. An engross'd Bill *to enable the Town of Sherburne to chuse a Collector of Taxes*.
 Read and pass'd to be Enacted.
 An engross'd Bill *to regulate the Alewife Fishery in the Town of Bridgwater*.
 Read, and pass'd to be enacted.
- Vote of Council bro't down. The Vote of Council on the Petition of *Rebecca Swift*, brought down the 8th Instant.
 Read and concurr'd.
 The Vote of Council on the Petition of *Samuel Lee*.
 Read and concurr'd.
- Bill read. A Bill *to enable the Proprietors of a Tract of Land called the Lisburne-Propriety, to raise Money by a Tax*.
 Read the first, second, and third Time, and pass'd to be engross'd.
- Bill bro't down. *Samuel Dexter*, Esq; brought down the Bill *for the Limitation of Actions*. Pass'd in Council, viz. In Council November 13, 1770.
 Read and unanimously concurr'd with Amendments at A and B.
 Sent down for Concurrence.
- Bill bro't down. *James Humphrey*, Esq; brought down the Bill *for annexing Nathaniel Littlefield, &c. to the North Precinct in Middleboro'*.
 Pass'd in Council with Amendments.
 Sent down for Concurrence.
- James Humphrey*, Esq; brought down the *Westminster*-Bill.
 Pass'd in Council, viz. In Council November 13, 1770.
 Read and nonconcurr'd, and *Voted*, That the Consideration of this Bill be referr'd to the next Session; and that in the mean Time the Petitioners notify the Non-resident Proprietors of *Westminster*, by seasonably inserting the Substance of the Petition in two of the *Boston* News-Papers, that the said Non-resident Proprietors may shew Cause, if any they have, on the second Wednesday of the next Session of this Court, why the Prayer should not be granted.
 Sent down for Concurrence.
- Read and unanimously nonconcurr'd, and the House adhere to their own Vote.

Post-Meridiem.

- Vote of Council bro't down. The Vote of Council on the Petition of the Select-Men of *Wenham*, brought down the 8th Instant.

Read

Read and nonconcurr'd, and the House adhere to their own Vote.

Sent up for Concurrence.

The several Accounts of Monies paid by the Treasurer by Warrant, reported by the Committee in the Forenoon, as exceptionable, were read.

Ordered, That Mr. *John Adams*, Mr. *Samuel Adams*, Dr. *Wheaton*, Dr. *Holton*, and Mr. *Gardner* of *Stow*, prepare a Remonstrance against the Allowance of such Accounts, and report.

Upon a Motion, Ordered, That Mr. *Dennie*, Mr. *Phillips* and Capt. *Brown*, consider of some Method to lessen the Charge of the Province Poor in the Town of *Doston*, for the future.

The Petition of *William Gardner*, bro't down from the honorable Board. Pass'd in Council, viz In Council *November 12, 1770*. Petition of *W. Gardner* bro't down.

Read and Ordered, That this Petition be revived, and that Dr. *Sylvester Gardner* notify the adverse Party Mr. *Joseph Glidden*, by serving him with a Copy of this Petition, to shew Cause, if any he hath, on Wednesday next, why the Prayer should not be granted.

Sent down for Concurrence.

Read and unanimously nonconcurr'd, and Ordered, That the Petition be dismiss'd.

Sent up for Concurrence.

The Committee on the Petition of *William Billings*, reported.

Report on Petition of *W. Billings*.

Ordered, That the Petitioner have Leave to bring in a Bill for the Purpose of his Petition.

A Bill for supplying the Treasury with the Sum of Seventy-six Thousand Pounds. Bill read.

Read three several Times, and pass'd to be engross'd.

Sent up by Mr. *Gardner* of *Stow*, Major *Hartwell*, Mr. *Batchelor*, Mr. *Keen*, and Mr. *Hobson*.

The Committee on the Petition of the Rev. *Stephen Badger*, reported. Report on Petition of *Rev. S. Badger*.

Read and accepted, and Resolved, That there be allowed and paid out of the public Treasury, to the Rev. *Stephen Badger*, the Sum of *nine Pounds and nine Pence* ; *three Pounds five Shillings and nine Pence* thereof. for the Use of *Eunice Spywood*, for Boarding and taking care of *Sarah Wamsquam*, an aged Indian Woman, from the 12th of *April* to the 13th of *July* last, being thirteen Weeks, at *five Shillings* per Week ; and *four Pounds five Shillings* of said Sum, for the Use of *Sarah Conecho*, for Boarding and taking Care of the said *Sarah Wamsquam*, from *July 13th*, to the 9th of *November* Instant, being seventeen Weeks, at *five Shillings* per Week ; and the Remaining Sum of *one Pound ten Shillings*, for his own Use, for necessary Cloathing he provided for the said *Sarah*, since the 13th of *July* last.

Sent up for Concurrence.

Ordered, That Capt. *Thomas* be of the Committee to examine the Account of Expence the Town of *Boston* were at, in sending Dispatches to *London*, after the Fifth of *March*, in the Room of Mr. *Hall* who is absent.

Then the House adjourn'd till To-Morrow Morning Nine o'Clock.

MERCURI, 14 Die Novembris, A. D. 1770.

Report on
Petition of
J. Prescott, Esq;

THE Committee on the Petition of *James Prescott*, Esq; and
others, reported.

Read and accepted, and *Resolved*, That in Lieu of Lands mentioned in the Petition, there be granted to the Petitioners, their Heirs and Assigns, Four Thousand Four Hundred Acres of the unappropriated Lands belonging to the Province, to be laid out in the Westerly Part thereof, adjoining to some former Grants, provided they can find the same ; or Five Thousand Eight Hundred and Eighty Acres of the unappropriated Lands lying on the Easterly side of *Saco River* ; it being their Proportion in said Grant : And return a Plan thereof taken by a Surveyor and Chairmen under Oath, into the Secretary's Office within Twelve Months.

Sent up for Concurrence.

Bill read.

An engross'd Bill *for granting to his Majesty several Rates and Duties of Impost and Tonnage of Vessels.*

Read and pass'd to be enacted.

Commissary-
General direct-
ed.

Upon a Motion, *Resolved*, That the Commissary General be and hereby is directed to dispose of a Quantity of Soldiers Cloaths, now in his Store, for the most the same will fetch, either at public Auction or at private Sale, as he shall think most for the Interest of the Province.

Sent up for Concurrence.

Upon a Motion, *Resolved*, That this House will come to the Choice of another Truck-Master for *Fort-Pownall* To-Morrow at Eleven o'Clock, and that Mr. *Hancock* go up to the honorable Board to acquaint them with this Resolution and desire them to join in said Choice.

Who returned that he had delivered the Message.

Report on
Petition of
N. Conant.

The Committee on the Petition of *Nathaniel Conant*, reported.

Read and accepted, and *Resolved*, That there be allowed and paid out of the publick Treasury to the Petitioner, the Sum of *Three Pounds*, and the same Sum annually till the further Orders of this Court.

Sent up for Concurrence.

Mr. *Andrew Hall* was heard upon his Petition on the Floor of this House.

Ordered, That the further Consideration thereof be referred till the Afternoon.

Post-Meridiem.

Message from
the Board.

Samuel Dexter, Esq; came down from the honorable Board to acquaint the House that they agree in the Proposal of the House to come to the Choice of a Truck-Master for *Fort-Pownall*, by joint Ballot, To-Morrow at Eleven o'Clock.

Petition of
H. Young Brown

A Petition of *Henry Young Brown*, praying that for Reasons mentioned this Court would reassume the Consideration of a Petition he preferred at the Session in *April* last, and make him further Allowance.

Read

Read and *Ordered*, That the Consideration of this Petition be referred till the next Session.

The Petition of a Number of *German Protestants*, bro't down from the Council Board.

Petition of
German Pro-
testants
bro't down.

Pass'd in Council, viz. In Council *November 6, 1770.*

Read and *Ordered*, That *Thomas Hubbard, Esq;* with such as the honorable House shall join, be a Committee to consider the same and report.

Sent down for Concurrence. Read and concurr'd, and Mr. *Davis* of *Barnstable*, and Col. *Marcy* are joined.

A Report of the Committee on the Account of the Treasurer for the County of *Duke's-County*.

Report on
Duke's County
County Treas-
urer's Account

Read and accepted. *And whereas it appears that the Monies granted and allowed by the Court of General Sessions of the Peace for said County, for the Year 1769, were such as said Court was by Law empowered to grant and allow.*

Resolved, That the said Account be allowed.

Sent up for Concurrence.

The Vote of the honorable Board, for a Committee of both Houses to repair to the Treasurer's Office in the Recess of the Court, take an Account of Government Securities which have been redeemed, and see the same consumed to Ashes, and report.

Read and concurr'd, and,

Mr. Speaker, Mr. *Hancock*, Mr. *John Adams*, and Mr. *Samuel Adams* are joined.

The Vote of Council on the Bill for the Limitation of Actions, brought down Yesterday.

Read and non-concurr'd, and the House adhere to their own Vote.

Sent up for Concurrence.

The House took into Consideration the Petition of *Andrew Hall*. And the Question being put, *Whether the House will make any Allowance to the Petitioner?* It pass'd in the Negative.

And thereupon the Petitioner had Leave to withdraw his Petition.

A Bill to exempt the People called Quakers and Anabaptists from paying ministerial Taxes.

Bill read.

Read the third Time; and pass'd to be engross'd.

The Committee on the Petition of the Rev. *Samuel Stillman* and others, reported.

Report on
Petition of
Rev. S. Stillman

Read and accepted, and *Resolved*, That the Proprietors of the Town of *Ashfield* be notified of this Petition, that they may shew Cause, if any they have, on the second Tuesday of the next sitting of this Court, why the Prayer thereof should not be granted: And that the Petitioners give such Notice to the said Proprietors, by causing the Clerk of said Proprietors to be served with a true Copy of this Petition, and this Order, fifteen Days before the sitting of this Court. And that all further Proceedings upon the Act in Addition to an Act for erecting the New Plantation called *Hunt's-Town*, in the County of *Hampshire*, into a Town by the Name of *Ashfield*, be stayed in the mean Time.

Sent up for Concurrence.

The

The Vote of Council on the Petition of *Jeremiah Richards*, bro't down the 9th Instant. Read and non-concur'd.

Ordered, That the Petitioner have Leave to withdraw his Petition. Sent up for Concurrence.

The Vote of Council on the Petition of *Hannah Robbins*, bro't down the 9th Instant.

Read and concur'd. Sent up for Concurrence.

Sundry Petitions refer'd.

Upon a Motion, *Ordered*, That the Petition of *Catharine Shaw*, the Petition of *Daniel Plumley* and Ux, the Petition of *John Botton*, the Petition of *Susanna Brand*, and the Petition of *Eleazer Johnson*, be referred for further Consideration till the next Session of this Court.

Report on Petition of *Wm. Bossum*.

The Committee on the Petition of *William Bossum*, reported, That the Prayer be granted ;

Read and accepted, and *Ordered*, That the Petitioner be and he accordingly is hereby fully empowered to sell the Estate mentioned in the Petition, for the most the same will fetch, and make and execute a good Deed or Deeds in Law to the Purchaser or Purchasers, giving Security to the Judge of Probate for the County of *Suffolk*, that the Proceeds of said Sale shall be paid to the respective Heirs, or those who by Law have a Right to receive the same. Provided that in the Sale thereof, the Petitioner shall pursue such Rules as are by Law required of Executors and Administrators.

Sent up for Concurrence.

The Vote of Council on the Petition of *Japheth Bicknal*.

Read and concur'd. Sent up for Concurrence.

Then the House adjourn'd 'till To-morrow Morning Nine o'Clock.

Jovis, 15 Die Novembris, A. D. 1770.

Bill read.

Bill for altering the Times of holding the Inferior Court of Common Pleas, and Court of General Sessions of the Peace in the County of Berkshire.

Read the first and second Time, *Ordered*, That the further Consideration of this Bill be referred to the next Session. And that Mr. *Ingersol* of *Great-Barrington*, bring in a Resolve to notify the County of *Berkshire* of the same.

Post-Meridiem.

Vote of Council bro't down.

Thomas Saunders, Esq; brought down a Vote of Council, on the Petition of *David Ingersol*, Esq; viz. In Council November 15, 1770.

Whereas *Joseph Dwight*, Esq; and *Joseph Hawley*, Esq; two of the Committee appointed by the General Court in April 1755, by their Deed executed the 17th of July 1756, sold to *David Ingersol*, Esq; a certain Tract of Land described in said *David's* Petition, for which Land the said *David Ingersol* gave his Bond to the Treasurer

Treasurer of the Province for *One Hundred Pounds*, which Bond has since been put in Suit, and Judgment obtained thereon.

Resolved, That the Right, Title and Estate of the Province, in and to said Tract of Land, be and hereby is granted to the said *David Ingersol*, his Heirs and Assigns for ever.

Sent down for Concurrence. Read and concurr'd.

Isaac Royall, Esq; brought down a Bill for annexing to, and incorporating with the District of *Lenox*, in the County of *Berkshire*, a Number of the Inhabitants living on Grants of Lands adjoining to said District, and their Lands.

Bill bro't down

Pass'd in Council, viz. In Council *November 14, 1770*. Read a first Time. *November 15, 1770*, Read a second Time, and pass'd to be engross'd.

Sent down for Concurrence.

Read and *Ordered*, That the Consideration of this Bill be referr'd to the next Session.

Sent up for Concurrence.

The Committee appointed to prepare a Message to his Honor the Lieutenant Governor in Answer to his Message of the 8th Instant, reported.

Read and accepted, and *Ordered*, That the following Message be presented to his Honor the Lieutenant-Governor, viz.

May it please your Honor,

WE have maturely consider'd your Message to this House of the 8th Instant; and we cannot but observe with great Concern, that by Virtue of Instructions to the King's Governor of the Province, we are reduced to the Necessity of passing Laws in such Form as to render them in our Opinion ineffectual. The Words in General Court assembled, we still consider to be so Substantial, that we are as much surpriz'd as your Honor suggests you should be if you apprehended our Opinion was well founded, that such a Discovery should, during Thirty Years together, have escaped the Members of the several General Assemblies, &c.

Message to his Honor.

Your Honor is pleas'd to say, "it appears to you, there is not the least Foundation for our Opinion"; and in another Place, that "you are of Opinion that this Sort of Evidence never was and probably never will be necessary in either Case": How far these Opinions, thus precisely given, considering your Honor's high Rank in the Law, ought to be an Authority to us, must be left to the World to judge; but if that Authority should not be deemed of Weight enough absolutely to decide the Question, this House is of Opinion, that the Decision of impartial Judges, will not be in Favor of the Sufficiency of the late Stile used in enacting our Laws.

The House think it surprizing and unfortunate that your Honor should assert, that "the Stile of a Law which expresses the Governor, Council and House of Representatives, expresses that Authority which by Charter hath Power to make Laws". In Order to show whether this Assertion is true or not, we beg Leave to adduce the Words of the Charter: They are these, viz. "We Will and "by these Presents for us our Heirs and Successors do ordain and "grant, that there shall and may be *convened*, held and kept by the

R r

" Governor

“ Governor for the Time being, upon every last Wednesday in
 “ the Month of *May* every Year for ever, and at all such other
 “ Times as the Governor of our said Province shall think fit and
 “ appoint, a *Great and General Court or Assembly*; which said
 “ *Great and General Court or Assembly* shall consist of the Governor
 “ and Council or Assistants for the Time being, and of such Free-
 “ holders of our said Province or Territory, as shall be from Time
 “ to Time elected or deputed by the major Part of the Freehold-
 “ ers and other Inhabitants of the respective Towns or Places who
 “ shall be present at such Elections, &c;—to which Great and
 “ General Court or Assembly *to be held as aforesaid*, We do here-
 “ by for us our Heirs, &c. give and grant full Power and Autho-
 “ rity from Time to Time to direct, appoint and declare, &c.”
 And afterwards we find the same Great and General Court or As-
 sembly empowered in the following Words, viz. “ And we do of
 “ our further Grace, &c. grant, establish and ordain, for us our
 “ Heirs and Successors, that the Great and General Court or As-
 “ sembly of our said Province or Territory, being *convened as afore-*
 “ *said*, shall for ever have full Power and Authority, to erect and
 “ constitute Judicatures and Courts of Records or other Courts”, &c.
 And afterwards the Governor and the Great and General Court or
 Assembly are empowered in the following Words, viz. “ And we
 “ do further for us, our Heirs and Successors, give and grant to the
 “ said Governor, and the Great and General Court or Assembly of
 “ our said Province or Territory for the Time being, full Power
 “ and Authority from Time to Time, to make, ordain and esta-
 “ blish all Manner of wholesome and reasonable Orders, Laws, Sta-
 “ tutes and Ordinances,” &c.

From whence it is certain and obvious, that the Stile of a Law
 which expresses the Governor, Council and House of Representa-
 tives, does not express that Authority, which by Charter hath Power
 to make Laws; because the Governor, Council and House of Re-
 presentatives, have no Authority to make Laws by Charter, unless
 they are convened and held in General Court or Assembly. And
 we may venture to submit to your own Consideration, whether an
 Act of the Governor, Council and House of Representatives, would
 be valid, which should be passed by each of those Branches not in
 General Court assembled? Should a Bill pass this House and be
 sent up to the Board in the present Session; and after a Prorogation
 of the General Court be concurr'd by the Council and consented
 to by the Governor, can there be the least Foundation or an Opini-
 on that such Bill could become a Law?

The House is astonished to hear your Honor say, that “ the same
 Reason which we urge for adding the Words, in General Court
 assembled, will hold as well for further adding, by the King's Writ
 —under the Province Seal—signed by the Governor—issued thirty
 Days before the convening—together with all the other Requisites
 for forming a constitutional General Court: Because, altho' the
 Words, Governor, Council and House of Representatives only, im-
 ply

ply, the King's Writ, under the Province Seal, signed by the Governor, and issued thirty Days before the convening, yet it does not imply all the other Requisites for forming a constitutional General Court; whereas, the Governor, Council and House of Representatives in General Court assembled, necessarily imply all these and every other Requisite; and therefore, these appearing on the Record, there can be no Necessity of recurring to so great an Absurdity as evidence dehors, in Support of a Record of the highest Nature.— You have not deny'd, that it is a known and approved Maxim of the Law, that every Record must prove itself without any dehors Evidence; nor that an Act of Parliament or Law of this Province is not a Record of the highest Nature: Yet you have given it as your Opinion, that dehors Evidence never was and probably never will be necessary in either Case; which seems to imply that if in any Case it should be necessary, it may be admitted, or else that every Thing which is necessary, does appear upon the Face of a Law without these Words in General Court assembled, notwithstanding the constant Practice of Parliament for more than five Centuries has been, to use equivalent Words, which must upon your Principles be perfectly unnecessary, redundant and nugatory.

Your Honor is pleased to say, we shall not be able to support our Assertion, “that Acts of Parliament universally contain the express Averment that they are pass'd by the several Branches in Parliament assembled”; and that “*many* ancient Statutes without this Clause, are equally in Force with modern Statutes which have the Clause.” How far our Assertion can or cannot be supported, we appeal to the Statutes at large to determine: And we may venture to advance, that from the Time of King Edward the first, under whose Reign the present Form of the Legislature took Place, and the two Houses of Parliament were separated from each other, which is now Five Hundred Years, to this Day, there is scarcely a single Statute without such an express Averment. And indeed, other Expressions equivalent to such an Averment, are used in almost all the Statutes that are more ancient than the Reign of Edward the First. For Example, in the Statute of Merton, which was in the Twentieth Year of King Henry the Third, A. D. 1235, we find this Averment, “It was provided in the *Court of our Lord the King*, holden at Merton, on Wednesday, &c. the 20th Year of the Reign of King Henry, &c. *before William Arch-Bishop of Canterbury, and others his Bishops and Suffragans, and before the greater Part of the Earls and Barons of England there being assembled*, for the Coronation of the said King and Helianor the Queen, *about which they were called*, when it was treated for the Commonwealth of the Realm upon the Articles under-written; thus it was provided and granted, as well of the aforesaid Arch-Bishop, Bishops, Earls and Barons, as of the King himself and others.” And in the Statute of Marlbridge, which was in the fifty-second Year of King Henry the Third, A. D. 1267, the Averment is in these Words, “The said King our Lord, providing for the better Estate of his Realm of
England,

England, and for the more speedy Ministration of Justice, as belongeth to the Office of a King, *the more discrete Men of the Realm being called together, as well of the higher as of the Lower Estate,* it was provided, agreed and ordained," &c.

It is true that Magna Charta and Charta de Foresta, which have not such an express Averment, are sometimes called Statutes ; but these are not only the most ancient Monuments which are ever called Statutes, and were made before any Division of the Lords from the Commons ; but they were originally intended to be Charters, and were accordingly drawn in the Form of Charters, and executed under the Seals of the Princes who gave them, and are considered, pleaded and judged on, as we believe are all others which have not such an express Averment, as Parts of the Common Law, rather than as Acts of Parliament. So that we are still of Opinion, that there is no Statute now in Force, that is pleadable as an Act of Parliament, which has not in it such an Averment. Many ancient Institutions are still in Force as Rules of Common Law, which are not pleadable as Acts of Parliament.——When your Honor says, that modern Acts of this Province without the Clause we contend for, are equally in Force with ancient Acts which have that Clause, it is a manifest Petition of the Principle disputed between your Honor and the House, which the House can by no Means allow.

You are pleased to inform us, that " you are not acquainted with the special Reason which induced his Majesty to restrain the Governor from consenting to an Act with this Clause in it" ; Where then is the Freedom of the Governor of the Province, if he is to govern Twenty-Eight Years together, by positive Instructions from other Persons at Three Thousand Miles Distance, without being able in all that Time to discover any Reasons for them !——The Reasons which induced his Majesty's Ministers to dictate this Instruction, and which induce Governors to be so fond of them, we fear are very different from those suggested by your Honor : If the words are unnecessary and redundant, why does his Majesty consent to them in so many Instances, every Session of Parliament ? The true Reason we fear is, to reduce this Province to the Footing of little Corporations in England, and by Degrees to pare away, not only the Appearance, but the Substance of all Authority, in the Great and General Court of the Province.

Upon the whole, it gives us great and just Concern to find your Honor, not only determined so scrupulously to adhere even to the Letter of this Instruction, but declaring in your Message, your present Resolution not to make your humble Application to his Majesty to withdraw it : So that the General Assembly is reduced to the hard alternative, either to forbear attempting to make any Laws at all, however urgent the Exigencies of the Province may be, or to pass them in such an inartificial and barbarous Style, that they may hereafter be drawn into Question as insufficient, invalid and void. For what reasonable Assurance can we have, that some future corrupt Administration, to effect some despotic Measure, and to injure and
destroy